

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

201

CRM-M-47160-2018
Date of Decision: 15.05.2023

Manjit Kaur

.....Petitioner

Versus

Jagdish Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Suveer Sheokand, Advocate for the petitioner.
Mr. Jitender Singh Dadwal, Advocate for
respondents No. 2 and 3.

SANDEEP MOUDGIL, J. (Oral)

1. The jurisdiction of this Court under Section 482 Cr.P.C., has been invoked by way of instant petition for quashing of order dated 03.10.2018 (Annexure P-6) whereby the evidence of the complainant has been closed in complaint No. 36737/13 dated 29.08.2012.

2. The grouse of the petitioner is qua non-examination of one Dr. Ajit Singh, who has treated the petitioner, as he is a material witness for logical conclusion of the trial.

3. A perusal of the order dated 03.10.2018 has been referred before this Court whereby it has been observed that more than ample opportunities have been availed by learned counsel for the complainant for CWs, but has failed to conclude its evidence and, therefore find no

be closed and the case was fixed for arguments.

4. Learned counsel appearing on behalf of respondents No.2 and 3-accused submits that already ample opportunities have been granted and it is only a clever device by the petitioner to delay the trial proceedings which are now by the fag end of conclusion.

5. A perusal of the case shows that the proceedings before the trial Court were ordered to be stayed by this Court vide order dated 29.10.2018 when the notice of motion was issued for 07.03.2019 and such interim order is still continuing and the petition is pending for disposal.

6. This Court has gone through the impugned order dated 03.10.2018 wherein it was incumbent upon the learned JMIC, Ludhiana to mention that how many opportunities were actually granted for leading the evidence and further no reason has been mentioned for closing the evidence as to whether the remaining witness i.e. Dr. Ajit Singh is material or not.

7. It has to be borne in mind that justice is not only to be done but it should seem to have been done and a Doctor who has treated the petitioner is a material witness for fair adjudication in the trial proceedings and granting of one more opportunity would not delay the matter further since the proceedings have already consumed more than 5 years only on account of interim order by this Court wherein trial was stayed.

8. In light of the above, this Court is of the considered view that the ends of justice would be met if the petitioner be granted one opportunity to examine Dr. Ajit Singh and on that very day, one another opportunity for cross-examination of said witness by the defence or the prosecution.

However, said opportunity shall be subject to payment of Rs.10,000/- as

costs which shall be paid to the respondents-accused before the trial Court.

9. The petition stands disposed of in the aforesaid terms.
10. It is further made clear that one opportunity for examination in chief and another opportunity for cross-examination shall commence from the date after serving the Doctor who has treated the petitioner and now shifted to some another address.
11. Learned counsel for the petitioner undertakes to serve the witness Dr. Ajit Singh through *dasti* process only.

(SANDEEP MOUDGIL)
JUDGE

May 15, 2023
Rajeev (rvs)

Whether speaking/reasoned	Yes
Whether reportable	No