

2023:PHHC: 145018

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

121

CRM-M-27461-2023
Date of decision: 15.11.2023

SUNIL

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. DPS Bajwa, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)CRM-35954-2023

This is an application for placing on record the interim order
(Annexure P-3) dated 10.02.2023/09.02.2023

Allowed as prayed for.

Annexure P-3 is taken on record.

Main case

1. The petitioner/complainant is impugning the order dated 02.01.2023 (Annexure P-1) passed by learned JMIC Tohana whereby his evidence was closed.
2. At the outset, learned counsel for the petitioner submits that his pre-charge evidence has been erroneously closed by the learned trial Court; the evidence of the remaining witnesses would be necessitated for the just adjudication of the case. A prayer has been made to grant him one final effective opportunity to conclude his evidence.
3. I have heard learned counsel and perused the relevant material on record.
4. Without issuing notice to the respondents, to avoid any further delay as well as expenses which the respondents shall have to incur to defend

these proceedings, the impugned order dated 02.01.2023 is set aside. The instant petition is allowed in the following terms:-

1. The petitioner is granted only one effective opportunity to conclude his evidence.
2. In the event of default by the petitioner, the case shall not be adjourned any further for evidence of the complainant and the trial Court shall proceed with the trial.
3. This, however, shall be subject to payment of costs in the sum of ₹15,000/- to be paid to the private respondents, which shall be a condition precedent.

15.11.2023
manoj

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No