

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

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CRM-M-36265-2021

Date of Decision : 01.05.2023

Swami Lakshyanand Saraswati

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Saurabh Singh, Advocate for
Mr. Vaneet Kumar Sharma, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Section 482 Cr.P.C. is seeking setting aside of order dated 14.07.2021 whereby Additional Sessions Judge, Panchkula has closed evidence of two witnesses without their cross-examination.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner appeared before trial Court and submitted that there are possibilities of compromise, thus, they are not willing to cross-examine the witnesses. There was no intention to delay the trial. The trial Court has closed evidence of two witnesses who are prime witnesses and their cross-examination is indispensable. Denial of their cross-examination would amount to denial of opportunity to defend.

3. Learned State counsel submits that the trial Court has recorded categoric finding qua conduct of the petitioner, thus, he does not deserve any concession.

4. I have heard the arguments of learned counsel for the parties and perused the record.
5. The trial Court has examined witnesses i.e. A and her mother-Manju and closed their evidence without their cross-examination. The petitioner has lost opportunity to cross-examine them and they are prime witnesses. The petitioner has right to defend himself and denial of cross-examination of key witnesses would amount to denial to defend. Though the conduct of the petitioner is not appreciable, however, in the interest of justice, the petitioner deserves to be permitted to cross-examine the witnesses i.e. A- and her mother-Manju.
6. In view of above facts and findings, the present petition deserves to be allowed and accordingly allowed subject to payment of costs of Rs.25,000/-, to be deposited with the PGI, Poor Patient Welfare Fund, Chandigarh.
7. It is made clear that the petitioner shall not seek any adjournment on any ground and would cross-examine both the witnesses as and when they are present in Court.

(JAGMOHAN BANSAL)
JUDGE

01.05.2023
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>