

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

281

2023:PHHC:104207

CRM-M-37240-2023

Date of decision: August 9th, 2023

Gaganpreet Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sahil Parmar, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking quashing/setting aside of order dated 18.04.2023 (Annexure P-9) passed by learned JMIC, Kharar in case titled as 'Harjit Singh Vs. Gaganpreet Singh' registered vide case No.NACT/91/2021 vide which the application filed by respondent No.2 for fixing the case for defence evidence was partly allowed and opportunity to cross-examine the witnesses of respondent No.2 by the petitioner was considered as nil.

2. Learned counsel submits that the trial Court has partly allowed the application for fixing the case for defence evidence without even giving a fair opportunity to the petitioner to file reply to the application. He further submits that the petitioner was not even given the opportunity to cross-examine the witnesses of the complainant.

3. I have heard learned counsel and perused the relevant material on record.

4. Be that as it may, if the petitioner is not granted the opportunity to cross-examine the witnesses of the complainant, he would suffer irreparable loss which in turn would result in miscarriage

of justice. Therefore, for just and proper adjudication of the case, this Court deems it appropriate to grant one last effective opportunity to the petitioner to cross-examine the witnesses.

5. Hence, 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 18.04.2023 is set aside. The instant petition is allowed in the following terms:-

1. The petitioner is granted only one effective opportunity to cross-examine the witnesses.
2. In the event of default by the petitioner, the case shall not be adjourned any further for cross-examining the witnesses 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 Rs.15,000/- to be paid to respondent No.2 which shall be a condition precedent.

August 9th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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