

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

134

CRM-M-21740-2024

Date of decision: 02.05.2024

Jainam @ Zonav and another

.....Petitioners

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jasraj Singh, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are impugning the order dated 27.02.2024 (Annexure P-7) passed by the learned Trial Court whereby the remaining cross-examination of the PW-1 Roshandeen (complainant) has been ordered to be marked as 'nil' in case FIR No.181 dated 06.09.2020 under Sections 306 and 34 of the IPC (Section 302 of the IPC in place of Section 306 of the IPC lateron) registered at Police Station Garshankar, District Hoshiarpur.

2. Learned counsel for the petitioners submits that a compassionate view be taken and one last effective opportunity may be granted to the petitioners to cross-examine PW-1 Roshandeen (complainant).

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

4. If the petitioners are not granted one effective opportunity to cross-examine PW-1, they 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 petitioners to cross-examine PW-1.

5. In the wake of the above, without issuing notice to the respondent, to avoid any further delay, the impugned order dated 27.02.2024, is set aside. The instant petition is allowed in the following terms:-

- (i). The petitioners are granted one last effective opportunity to cross-examine PW-1.
- (ii). In the event of default by the petitioners, the case shall not be adjourned any further for cross-examining PW-1 and consequently opportunity to cross-examine this witness be deemed to be as nil.

02.05.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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