

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

274-CRM-M-28228-2021 (O&M)

Decided on 30.09.2024

Ganesh Kanojia

... Petitioner

VS.

State of Punjab & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Aayush Gupta, Advocate for the petitioner

Mr. Malkiat Singh, DAG Punjab

Sandeep Moudgil, J.

Vakalatnama filed by Mr. Rishab Garg, Advocate on behalf of respondent No.2 is taken on record.

This petition under Section 482 CrPC has been filed by the petitioner seeking to quash the impugned order dated 05.07.2021 (Annexure P5) passed by Addl. Sessions Judge, Ludhiana in FIR No.0131 dated 07.10.2018 under Sections 365/302/34 IPC, registered at Police Station Tibba, District Police Commissionerate Ludhiana.

This petition has been filed in peculiar circumstances wherein father is the complainant PW2 namely, Ganesh Kanojia – the petitioner whereas accused is the daughter, namely, Renu Kanojia. The petitioner is seeking re-examination of PW2 (himself) for certain questions in the light of the fact that his son was the deceased but prosecution has twisted the whole story to book his daughter Renu Kanojia as an accused who also is the real sister of the deceased. Certain questions could not be put to PW2 despite due

diligence and exercising all his knowledge and information certain facts were not put forth during his examination-in-chief.

Counsel for respondent No.2 also asserts that respondent-accused has no objection if the prayer made in the petition is allowed and PW2 is re-examined as has been recorded by the trial court in its order dated 17.02.2020 (Annexure P4).

Since the complainant-petitioner and the respondent-accused are family members and are closely related, no prejudice would be caused to the respondent-accused at least at this stage when the trial is for the prosecution witness alone. In the criminal jurisprudence, justice is not only done but it seems to have been done.

Hence, this petition is allowed and the impugned order dated 05.07.2021 is hereby set aside. Learned counsel for the petitioner states that only one date would be sufficient and undertakes to complete the evidence on the next date of hearing fixed before the trial court i.e. 05.10.2024.

The trial court is directed to allow the re-examination of the complainant-PW2 Ganesh Kanojia who shall be given one opportunity to complete his examination including the cross-examination, if any to be conducted.

30.09.2024
V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No