

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-37036-2023 (O&M)
Date of Decision:-8.2.2024

Jaswinder Kaur ... Petitioner

Versus

Harmal Singh ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.K. Chugh, Advocate for the petitioner.

Mr. Manav Partak Sharma, Advocate for the respondent.

GURVINDER SINGH GILL, J. (Oral)

CRM-5461-2024

In view of the reasons mentioned in the application, the same is allowed and the hearing of the main petition is postponed from 21.8.2024 and is taken on board today.

CRM-M-37036-2023 (Main Case)

1. The instant petition has been filed challenging order dated 11.7.2023 (Annexure P-4) passed by learned Sub-Divisional Judicial Magistrate, Samrala, whereby an application filed by the petitioner seeking opportunity to cross-examine the complainant and his witnesses, has been dismissed.
2. Learned counsel representing the petitioner submitted that he restricts his prayer only to the extent of seeking permission to cross-examine the complainant, who has not been cross-examined at all.

- 3. Learned counsel representing the respondent has submitted that he has instructions to state that the instant petition may be accepted to the extent of cross-examination of complainant only subject to payment of costs.
- 4. In view of the aforesaid submissions made by the respective counsel for the parties, the instant petition is accepted to the limited extent that the petitioner is permitted to cross-examine the complainant subject to payment of Rs.50,000/- as costs, which shall be paid to the complainant before starting the cross-examination.
- 5. The Trial Court is directed to do the needful in this regard and shall grant at least one clear opportunity to the petitioner to cross-examine the complainant. However, under compelling circumstances, it shall always be open to the Court to grant further opportunity in case it is deemed appropriate.
- 6. The parties shall apprise the Trial Court about the aforesaid order tomorrow i.e. 9.2.2024, when the matter is fixed before the Trial Court, and the Trial Court shall fix a date for cross-examination of complainant and grant reasonable time to the complainant to cause appearance and also to the petitioner to arrange for the aforesaid amount to be paid as costs.
- 7. The instant petition stands disposed off accordingly.

8.2.2024

Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No