



CRM-M-36612-2024

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

CRM-M-36612-2024

Date of Decision: August 21, 2024

Ankit Singla

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Rahul Singla, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

1. Prayer in the present petition is for quashing of impugned order dated 16.07.2024, Annexure P-1 whereby the opportunity of petitioner to cross-examination of CW Kapil Sharma/complainant has been closed in a complaint case No.NACT/538 of 2020, dated 05.07.2020. under Section 138 of the Negotiable Instruments Act and 420 IPC.

2. Learned counsel for the petitioner has submitted that petitioner was regularly appearing before the Court below, however, every time his counsel sought adjournments and did not cross examine the witness for the reasons best known to him. It is further submitted that on 16.07.2024 also he was present in person but his counsel wanted adjournment and hence the Court declined his prayer and closed the opportunity to the petitioner for



cross-examination of the witness. He prays that one opportunity be granted to him to cross-examine CW1/complainant.

3. Notice of motion to respondent No.1/State only.

4. On asking of the Court, Mr.Sumit Jain, Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents/State and has submitted that the trial Court has rightly closed the opportunity to cross examine the complainant/CW1 as for the last one year the case was being adjourned on the request of learned defence counsel and despite the last opportunity to conclude cross-examination and clear warning that if cross-examination would not be concluded, adverse consequences shall follow, petitioner's counsel had failed to cross-examine the complainant/CW1.

5. Heard.

6. This Court is of the view that though the petitioner's counsel has failed to cross-examine the complainant/CW1 despite several opportunities and clear warning, yet, in the interest of justice one opportunity should be granted to the petitioner to cross-examine the complaint/CW1, as non-examination of the complainant by the petitioner would result in great prejudice to the petitioner's case. Although the order passed by learned trial Court does not call for any interference, yet, in the interest of justice, one last opportunity is granted to the petitioner to cross-examine the complainant/CW1 subject to payment of Rs.50,000/- as costs, to be paid to the complainant prior to his cross-examination.

7. Needless to say that in case the petitioner's counsel fails to



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direction and order under challenge dated 16.07.2024 would come in force.

8. Petition stands disposed of.

August 21, 2024

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(RAJESH BHARDWAJ)

JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |