

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

147

2026:PHHC:053378



CRM-M-18861-2026 (O&M).
Date of decision: 07.04.2026.

BANSI AND OTHERS

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Mr. Shokeen Singh Verma, Advocate,
for the petitioner(s).

VINOD S. BHARDWAJ, J. (Oral)

Prayer made in the present petition is for setting aside the order dated 19.02.2026 passed in case titled as 'State Vs. Bansi and others, bearing case No.SC/187/2023 arising out of FIR bearing No.68 dated 14.02.2023, under Section(s) 323, 34 and 506 of the Indian Penal Code, 1860, (Sections 325 IPC and Section 3(2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention Of Atrocities) Act, 1989 added later on) registered at Police Station Bhiwani City, District Bhiwani, whereby by the Additional Sessions Judge, Bhiwani, has discharged PWs i.e. respondents No.2 and 3 without they being subjected to cross-examination due to absence of the counsel for the petitioner herein

Counsel appearing for the petitioner contends that the aforesaid

FIR has been registered against the petitioner herein on the complaint of respondent No.2. He submits that based upon investigation, final report has been filed and the trial has commenced. He submits that there are total 16 prosecution witnesses to be examined. He contends that respondents No.2 and 3 had not been appearing before the trial Court and in this regard, he makes a reference to the orders dated 07.02.2025, 05.05.2025, 29.07.2025 and 09.10.2025 as well as order dated 17.12.2025. He contends that on 19.02.2026, PW.2 Shubham and PW.3 Darshna were present and their chief was recorded, however, since counsel for the petitioner was in personal difficulty, hence, he could not appear for cross-examining the said witnesses. He contends that the petitioner would be gravely prejudiced in case the said witnesses are not recalled and subjected to cross-examination on behalf of the petitioner.

In view of the order which this Court is likely to pass and considering that the PW.2 and PW.3 are likely to be burdened with unnecessary expenses, issuing a formal notice to respondents at this stage is dispensed with. However, respondents No.2 and 3, would be at liberty to move appropriate application in case they have any grievance against the final order.

Having heard the counsel for the petitioner and perusing the documents appended along with the present petition and further taking into consideration the submissions advanced, I deem it appropriate to allow the present petition.

Accordingly, the order dated 19.02.2026, is modified and the trial Court is directed to summon/recall PW.2 Shubham and PW.3 Darshna for their cross-examination to be conducted by the counsel for the petitioner

herein. However, the same would be subject to payment of costs of Rs.3,300/- by the petitioner to PW.2 Shubham and PW.3 Darshna each. It is further made clear that counsel for the petitioner shall not seek any adjournment and shall conclude the cross-examination on the date when the said prosecution witnesses i.e. PW.2 Shubham and PW.3 Darshna would appear for their cross-examination.

The present petition is allowed in above terms.

April 07, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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