



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-23229-2026
Date of decision: 28.04.2026

RANJIT KUMAR JHALLYPetitioner

VERSUS

STATE OF PUNJAB AND ANOTHERRespondents

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

Present: - Mr. Bhupinder Banga, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

CRM-18135-2026

Application is allowed as prayed for.

CRM-M-23229-2026

The present petition has been filed seeking quashing of the order dated 15.04.2026 passed in case No. CHI-178-2022, CNR No. PBKPA1-001781-2022 titled as "*State of Punjab versus Ranjit Kumar*" bearing FIR No. 45 dated 23.04.2022 registered under Section 420 of the IPC at Police Station Satnampura, Phagwara, District Kapurthala whereby the opportunity to cross examine the witness has been declined.

2. In light of the order which this Court intends to pass, issuance of formal notice is being dispensed with at this stage as it would only cause delay in the proceedings and subject respondents to unnecessary financial burden.

3. Learned Counsel appearing on behalf of the petitioner vehemently contends that he has been nominated as an accused in the aforesaid case. The complainant had been examined at length but the original agreement to sell had not been exhibited. Later on, an application under Section 311 Cr.P.C. read with Section 91 Cr. P.C. for recalling/re-examination of the complainant and for proving the original agreement to Sell dated 03.09.2019, was filed. The said application was allowed by the Court vide order dated 06.03.2026. The complainant, thereafter, appeared before the trial Court on 15.04.2026 for being re-examined. The petitioner was unavailable, hence, his Counsel moved an application for grant of exemption. The said application was allowed and while the Counsel for the petitioner sought time to cross-examine the witness, the same was declined and it was ordered that the opportunity be treated as 'NIL'.

4. Counsel contends that there was no inordinate delay on the part of the petitioner in conducting the cross-examination and the fact that the petitioner-accused had already been granted exemption, hence, no instructions were required to be given by the petitioner to his counsel for cross-examination of the said witness who has been recalled. He contends that the interest of justice would be well served in case one effective opportunity is granted to the petitioner to cross examine the said PW-2 Manoj Kumar, subject to payment of costs to compensate the witness-complainant for the inconvenience so caused.

5. I have heard learned Counsel appearing on behalf of the petitioner and have gone through the documents appended alongwith the present petition.

6. I find that the request made by the petitioner is genuine and deserves to be considered in the interest of justice. Besides, the offer made by the petitioner to compensate the PW-2 for the inconvenience so caused, balances equities in his favour. The present petition is accordingly allowed. The impugned order dated 15.04.2026, ordering that the cross-examination of the witness be treated as NIL, is set aside to the above extent. The trial Court is directed to ensure that an effective opportunity to cross-examine the said witness is made available to the petitioner herein subject to payment of costs of Rs. 10,000/- as compensatory cost to the said PW-2 Manoj Kumar. The same be disbursed to him after his cross-examination is complete. The respondent-complainant shall, however, be at liberty to seek recall of this order, in case any fact has been materially concealed, or in case he feels aggrieved of the above.

28.04.2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No