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

Sr. No.201

**CRR(F)-1136-2022 (O&M)
Date of decision : 29.04.2025**

Suresh

..... Petitioner

VERSUS

Poonam

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Narender Kaajla, Advocate for the petitioner.

Mr. Balraj Singh, Advocate, for the respondent.

KIRTI SINGH, J. (Oral)

1. Challenge in the present petition is to the order dated 18.10.2022 passed by the learned Principal Judge, Family Court, Hisar wherein proceedings under Section 125 Cr.P.C., the application filed by the petitioner for cross-examination of the respondent was dismissed.

2. Learned counsel for the petitioner *inter alia* submits that the petitioner-husband solemnized marriage with respondent-wife on 11.12.1999 as per Hindu rites and ceremonies and out of the said wedlock two children were born, who have been residing in the care and custody of the petitioner since their birth. Thereafter, a matrimonial dispute ensued between both the parties and the respondent filed application under Section 125 Cr.P.C., wherein both the parties filed their respective affidavits, after which evidence was closed on 02.03.2021. Thereafter, on 21.12.2021, the respondent moved an application for additional evidence for producing the copy of MLR, copy of FIR and copy of charge, which was allowed on

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12.04.2022. Subsequently, it was on 20.05.2022 that the respondent tendered the said documents and closed her additional evidence, whereafter an application was filed by the petitioner seeking to cross-examine the respondent which was dismissed by way of the impugned order, citing the ground of delay in filing of the said application. Learned counsel submits that no such ground is made out, inasmuch as the documents were tendered on 20.05.2022 by the respondent, and the application for cross-examination was filed by the petitioner shortly after, on 29.07.2022. Further, reliance is placed upon a **judgment dated 17.09.2018 passed by this Court in CRR(F)-182-2017 titled as Surma Vs. Santra.**

3. Heard.

4. Right to fair trial is one of the basic tenets of criminal jurisprudence and natural justice. Every person must be given due opportunity to contest any evidence presented against him. Reverting to the case in hand, a perusal of the judicial record makes it clear that the additional evidence, application for which was allowed on 12.04.2022, was tendered on 20.05.2022 and thereafter, the application for cross-examination was moved by the petitioner on 29.07.2022. Thus, the ground of delay, as stipulated in the impugned order, cannot stand in the way of petitioner's right to fair trial, which includes the right to cross-examine the respondent.

5. In view of above, the petition is allowed and order dated 18.10.2022 passed by the learned Principal Judge, Family Court, Hisar is set aside and the trial Court is directed to get conducted the cross-examination of the respondent as sought for by the petitioner and thereafter, to conclude the trial within period of 02 months.

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Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

29.04.2025

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No