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

CRM-M-15612-2025

Date of decision: 21.03.2025

Satbir Singh

.... Petitioner

Versus

State of Haryana and Another

.... Respondents

CORAM: HON'BLE MR. JUSTICE H.S.GREWAL

Present: Ms. Savita Rana, Advocate, for the petitioner.

H.S.GREWAL, J. (ORAL)

1. The instant petition has been filed under Section 528 of BNSS for quashing of orders dated 20.12.2023 passed by Judicial Magistrate Ist Class, Gurugram in case No. NACT/3181/2018 titled as Anand Kumar Vs. Satbir Singh whereby cross-examination of complainant is marked nil and also quashing of order dated 23.01.2025 vide which the application for recalling of respondent has been declined and further quashing of order dated 19.02.2025 passed by learned Additional Sessions Judge, Gurugram in CRR No.40/2025 vide which revision petition filed by the petitioner against the impugned order dated 23.01.2025 has been dismissed and furthermore to grant one opportunity to recall the complainant for his/ her cross examination.

2. Learned counsel for the petitioner submits that the petitioner is facing trial under Section 138 of the Negotiable Instruments Act. Counsel for the petitioner submits that on 20.12.2023, the petitioner could not appear before the trial Court due to personal difficulty and thereby, cross-examination of the

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complainant was recorded as nil vide impugned order dated 20.12.2023. Thereafter, the petitioner had moved an application under Section 311 Cr.P.C. for recalling the complainant for cross examination which was dismissed vide order dated 23.01.2025. Learned counsel for the petitioner prays that one opportunity be granted to the petitioner to cross-examine the complainant.

3. Notice of motion.

4. Ms. Ankita Ahuja, AAG, Haryana, accepts notice on behalf of the respondent-State.

5. I have heard learned counsel for the parties.

6. After going through the facts of the case as well as considering the fact that the complainant needs to be cross examined by the accused-petitioner in order to rebut the case of the complainant, this Court deems it appropriate to decide this case without issuing notice to respondent No.2. Keeping in view the facts and circumstances of the case and limited prayer made by the counsel for the petitioner, the orders dated 20.12.2023 and 23.01.2025 are set aside and the petitioner is granted one final opportunity to cross-examine the complainant on the date so fixed by the trial Court subject to payment of Rs.5,000/- as costs to be paid to the complainant by the petitioner. However, no further adjournment shall be granted to the petitioner for the purpose of cross-examination of the complainant.

7. Accordingly, the petition stands allowed.

(H.S.GREWAL))
JUDGE

21.03.2025

Sonia Puri

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No