

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

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**CRM-M-18008-2025 (O&M)
Date of decision: 02.04.2025**

Navjit Singh @ Navjeet Singh**...Petitioner**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

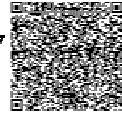
Present:- Mr. Gagan Oberoi, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. By way of filing the present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner is seeking quashing of order dated 11.03.2025 (Annexure P-5), passed by the Court of learned Judicial Magistrate First Class-4, SAS Nagar in case arising out of FIR No. 14 dated 08.09.2017, registered under Sections 406 and 420 of the IPC at Police Station NRI, District SAS Nagar, whereby the defence evidence of the petitioner-accused was closed by the order of the Court.

2. The petitioner is facing trial for commission of aforementioned offences. After conclusion of prosecution evidence and recording of his statement under Section 313 of Cr.P.C., he was given opportunity to produce evidence in his defence. He moved an application (Annexure P-4) for summoning certain witnesses in his defence. It is submitted by learned counsel for the petitioner that despite the fact that two of the witnesses as mentioned in the aforementioned application were yet to be examined, the learned trial Court closed his evidence by order of the Court. It is submitted that one of these witnesses namely Manjeet Singh had even appeared for his

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examination on 05.03.2025, which was postponed and thereafter he had not been summoned. There is no fault on the part of the petitioner for non-appearance of the summoned witnesses. A great prejudice is going to be caused to the petitioner, if his witnesses are not examined. Therefore, prayer has been made for allowing the petition and granting permission to the petitioner to produce his defence witnesses.

3. On a specific Court query, it is submitted by learned counsel for the petitioner that the witnesses mentioned at Sr. No. 2(a) and 2(f) of the application (Annexure P-4) are yet to be examined.

4. The submissions made by learned counsel for the petitioner have been considered by this Court, besides going through the material placed on record.

5. A perusal of the application (Annexure P-4) reveals that as many as 06 witnesses were sought to be summoned by the petitioner in his defence. As per his claim, two witnesses, whose details are given in the application (Annexure P-4), are yet to be examined. Their details are as under :

“2(a). STP, Punjab Government, PUDA Bhawan Sector 68, Mohali alongwith:

(i) CLU of Skyrock city, Village Behrampur. (25 Acre).

(ii) CLU of Skyrock city sector 111 and 112.

(iii) CLU of Skyrock city welfare society.

(iv) CLU of Skyrock city welfare city sector 110 village Maujpur (25 Acre).

(v) CLU of Shivalik Site planner Pvt Ltd sector 116 village Chapanchiri.

(vi) CLU of Infra Bulitech sector 111, 112 Mohali.

2(f). Chartered Accountant Samanth along with record i.e Balance sheet Of Skyrock city welfare society for the year 2011 till 2016. Land records and Bank records.

6. A perusal of the record reveals that after recording of the statement of the petitioner under Section 313 of Cr.P.C. on 04.11.2024, the

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learned trial Court has given sufficient opportunities to the petitioner to produce his defence evidence. No doubt, after allowing his application for producing defence evidence, the proposed witnesses were to be summoned through the agency of the learned trial Court. It is also revealed that one witness namely Manjeet Singh was present on a particular date and his examination was deferred but he was not summoned and examined further. The petitioner is entitled to produce evidence in his defence. Though, it was his equal responsibility to ensure the presence of his witnesses before the learned trial Court, which he could not discharge, however, this Court is of the opinion that at least some fair opportunity must be granted to him for this purpose. Accordingly, the present petition is disposed of. The learned trial Court is directed to accord two effective opportunities to the petitioner to produce evidence in his defence by examining the witnesses as mentioned in the application (Annexure P-4). The petitioner shall, however, obtain *dasti* summons for securing presence of the witnesses. The learned trial Court will not be obliged to grant any other opportunity to the petitioner.

02.04.2025

Waseem Ansari(MANISHA BATRA)
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*