



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

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**CRM-M-43186-2025
Decided on : 11.08.2025**

Karnail Singh . . . Petitioner(s)
Versus
Balwinder Singh and others . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Atul Goyal, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for setting aside of impugned order dated 28.07.2025 (Annexure P-16), passed by learned SDJM, Khadur Sahib, vide which, pre-charge evidence of the petitioner (complainant) has been closed by order, in complaint case bearing No.COMI-25 of 2021, dated 12.05.2017, under Section 406, 420, 465, 467, 468, 471, 120-B IPC.

2. Counsel for the petitioner contends that initially the complaint was filed by the father of the petitioner, who expired on 20.12.2016, i.e., shortly after filing of the complaint, and thereafter, the proceedings were pursued by his son, i.e., the petitioner. Undoubtedly, a period of three years was taken by the petitioner in concluding the pre-charge evidence. However, counsel submits that during the period 2020 to 2022, the proceedings were severely affected due to the spread of the COVID-19 pandemic across the world, and therefore, the required steps could not be taken and the matter could not progress at the pace it ought to have.

3. Counsel further submits that if two effective opportunities are

granted to the petitioner, he undertakes to close his evidence himself, and therefore, prays that order dated 28.07.2025 (P-16) be quashed to the extent of closure of pre-charge evidence by the Court. Counsel also informs that the matter is now fixed for 18.08.2025.

4. Taking into consideration the long pendency of the complaint case before the trial Court, the substantial time already consumed by the petitioner in leading his evidence, and the fact that the proceedings are now fixed for 18.08.2025 for framing of charges, this Court grants one final opportunity to the petitioner to conclude his entire evidence before the next date already fixed.

For this purpose, it shall be open to the petitioner to move an appropriate application before the trial Court, specifying the evidence he seeks to lead in pre-charge evidence. It shall be the responsibility of the complainant (petitioner herein) to ensure the presence of the witnesses he intends to examine. However, in no case, petitioner shall be entitled to seek further opportunity for the same purpose. The trial Court shall afford such opportunity strictly in accordance with law and without any wastage of time, so that the proceedings already fixed for 18.08.2025 may take place as per schedule, subject to the convenience of the trial Court.

5. Accordingly, the plea of the petitioner is accepted. The impugned order dated 28.07.2025 (P-16) is **set aside** to the extent of closure of pre-charge evidence by order, and the petitioner is directed to do the needful in terms of the above directions.

However, this order shall be subject to the payment of Rs.25,000/- as costs, to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court. The Trial Court shall

also specify the time frame within which such costs will be required to be deposited, but not more than two weeks, failing which this order would not be of any advantage to the petitioner.

6. **With aforementioned terms, present petition stands disposed of.**

**(SANJAY VASHISTH)
JUDGE**

August 11, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No