



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

CRM-M-3284-2025
Date of decision: 22.01.2025

Pradeep Kumar Singhal ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Prateek Rathee, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G. Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 528 of BNSS 2023 seeking quashing of order dated 13.12.2024 Annexure P-5 passed by the Court of Judicial Magistrate Ist Class, Gurugram in criminal complaint having NACT-21670-2018 titled Pradeep Kumar Vs. Manoj Kumar, vide which the application filed by the petitioner under Section 311 Cr.P.C. to produce certified copies of certain documents by way of additional evidence, is dismissed.

2. The counsel for the petitioner submits that the aforesaid complaint under Section 138 NI Act is filed by the present petitioner against respondent No.2-Manoj Kumar Aggarwal. At the time of filing of the criminal complaint, the petitioner also produced photocopies of bank statements mark CA to CF and they are part of the judicial file of the trial Court. The petitioner in order to avoid any technical complication, moved an application under Section 311 Cr.P.C. to produce the certified copies of the aforesaid bank statements which are relating to bank accounts of the petitioner and his wife for the period from 01.04.2014 to 31.03.2018 and 01.04.2014 to 31.03.2017, respectively. The counsel for the petitioner further submits that power under Section 311 Cr.P.C can be invoked till the



pronouncement of final judgment. The aforesaid application moved by the petitioner at the stage of defence evidence is legally maintainable. Further, the aforesaid documents are necessary for the proper adjudication of the case. It is further submitted that in case, the petitioner is allowed to produce the certified copies of the concerned documents, it will not amount to filling of lacuna, as the photocopies of the concerned documents are already available on the record of trial Court. So, prayer is made that the present petition be allowed.

3. The Hon'ble Supreme Court in criminal appeal No.267 of 2021 titled *V.N. Patil Vs. K. Niranjan Kumar and others*, decided on 04.03.2021, observed that the object under-lying Section 311 Cr.P.C is that there may not be failure of justice on account of mistake of either party in bringing the valuable evidence on record or leaving ambiguity in the statements of the witnesses examined from either side. The determinative factor is whether it is essential to the just decision of the case. The significant expression that occurs is 'at any stage of any inquiry or trial or other proceeding under this Code'. It is however, to be borne in mind that the discretionary power conferred under Section 311 Cr.P.C has to be exercised judiciously, as it is always said 'wider the power, greater is the necessity of caution, while exercise of judicious discretion'.

4. The Hon'ble Supreme Court in *V.N. Patil's case* (supra) further observed that the aim of every Court is to discover the truth. Section 311 Cr.P.C is one of many such provisions which strengthens the arms of a Court in its efforts to unearth the truth by procedure sanctioned by law.

5. Now adverting to the facts of the present case, the photocopies of the concerned bank statements of petitioner and his wife are already available on the record marked as CA to CF. The concerned bank statements are necessary for the just decision of the complaint case. The trial may have reached the advance stage, but it is still pending. As the photocopies of the concerned documents are already available on the judicial file, it cannot be said that the petitioner has filed application under Section 311 Cr.P.C to seek permission to produce certified copies of the said bank statements, to fill the lacuna, if any is there in the case of



complainant. In the given circumstances, petitioner will not be taken by surprise, if the petitioner is permitted to produce the certified copies of the concerned bank statements mark CA to CF by way of additional evidence.

6. In light of the above discussion, the present petition is allowed and the impugned order dated 13.12.2024 Annexure P-5 is set aside and application Annexure P-4 filed by the petitioner under Section 311 Cr.P.C dated 19.10.2024 is hereby allowed, subject to cost of Rs.5,000/- to be deposited by the petitioner with the District Legal Services Authority.

7. Keeping in view the nature of order being passed, no notice is required to be issued to the respondent No.2. However, if he feels dis-satisfied with this order, he may move an application to recall the same.

8. However, it is made clear that any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

22.01.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No