



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

161

CRM-M-16144-2025(O&M)

Date of Decision: 24.03.2025

KAPIL BATRA

....Petitioner

VERSUS

GURPREET SINGH AND OTHERS

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pranav Handa, Advocate for the petitioner.

Mr. Amit Dhawan, Advocate for respondent no.1 .

MANISHA BATRA, J. (Oral)

1. Prayer has been made in the petition by the petitioner for quashing of orders dated 11.02.2025 & 19.03.2025. However, during the course of arguments, learned counsel for the petitioner has submitted that petitioner will be satisfied if sufficient opportunity is given to him for producing defence evidence.

2. Power of Attorney has been filed on behalf of respondent no.1.

The same is taken on record and be tagged at the appropriate place.

3. A perusal of order dated 19.03.2025 which is impugned in this petition. It is revealed that learned trial Court has closed the defence evidence of the petitioner by order of the Court by making following observations:-

“No DW is present. Today was the last and final opportunity for the accused to lead defence evidence. Case called several times but neither accused Kapil Batra and Rajan Batra themselves



nor their counsel has appeared in the court. Even no exemption application has been filed on behalf of the accused Kapil Batra and Rajan Batra.

Perusal of the file reflects that on the previous date of hearing, a costs of Rs.9500/- was imposed upon the accused, which was ordered to be paid to the complainant. Even prior to that a costs of Rs. 12000/- was imposed upon the accused and out of which Rs.6000/- has been paid by the accused to the complainant. Accordingly, a total costs of Rs.15,500/- approximately is to be paid by the accused to the complainant. Today neither costs has been paid nor accused has come present. Even no DW is present today. Vide order dated 06.02.2025 passed in CRM-M-6470-2025 (O&M), the Hon'ble Punjab and Haryana High Court has granted three effective opportunities to the accused to summon the witnesses mentioned in paragraph 3(c) and (d) i.e. record of income tax department regarding deposit of TDS in favour of Gurpreet Singh and summoning of officer of bank concerned but accused has failed to examine these witnesses by availing three effective opportunities. Perusal of the file reflects that even PF/DM has not been deposited by the accused to summon the witnesses as mentioned in para No.3(c) and (d) which were allowed by the Hon'ble High Court while availing three effective opportunities. So, finding no justification for further adjournment of the case for defence evidence, same stands closed by order of the court.

Now to come up on 26.03.2025 for arguments, payment of costs and for awaiting presence of accused Kapil Batra and Rajan Batra.”

4. A perusal of above said order reveals that neither the petitioner nor the co-accused appeared before the learned trial Court nor cost of



Rs.15,500/- had been paid by them nor any evidence had been produced. The petitioner had been granted three opportunities to produce evidence in defence as per directions of the Court. Though no reasonable ground has been made out for granting any relief to the petitioner, however, keeping in view the interest of justice, I am of the considered opinion that petitioner can be granted one opportunity for the purpose of proving his defence. Accordingly, the petition is disposed of subject to condition that apart from the total cost of Rs.15,500/- which is already to be paid by the petitioner to the complainant, he shall pay total cost of Rs.30,000/- to the complainant. On payment of cost, learned trial Court shall grant only one effective opportunity by giving sufficient time of at least 15 days to the petitioner for the purpose of producing defence evidence. The petitioner shall obtain *dasti* summon from the learned trial Court and shall ensure production of his entire evidence in defence. The learned trial Court shall record the defence evidence of petitioner on the same day, if produced.

5. Copy of this order be sent to the trial Court for immediate compliance.

24.03.2025

Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. <i>Whether reportable</i> | <i>Yes/No</i> |