



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

132

CRM-M-11017-2024 (O&M)  
Decided on : 24.04.2025

Shriram Transport Finance Company Ltd.

. . . Petitioner(s)

Versus

Palwinder Singh

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

PRESENT: Mr. G.S. Sandhu, Advocate  
for the petitioner(s).

Mr. Manoj Kumar Sharma, Advocate  
for the respondent(s).

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**SANJAY VASHISTH, J. (Oral)****CRM-14350-2025**

I. In the present application, on 08.04.2025, following order was passed:-

*“ This is an application under Section BNSS, 2023, for preponing the date of hearing of the main case from 07.08.2025 to an earlier date keeping in view the facts and circumstances mentioned therein.*

*Applicant prays for preponement of the date of hearing of the main case from 07.08.2025 to an earlier date by submitting that the purpose of filing of the present petition would be defeated if the trial is finally concluded which is presently fixed at the stage of final arguments on 30.04.2025.*

*Court also informs that despite effecting of service upon the respondent, no one appeared on 25.04.2024 in the present petition and the said fact has been recorded in the order of the said date also.*

*Notice in the application be issued for 24.04.2025.*

*Let respondent be served through dasti also.*

*To be shown in the urgent list.”*

II. In response thereto, Mr. Manoj Kumar Sharma, Advocate, puts in



appearance on behalf of the non-applicant/respondent and files his *Vakatlanama*, in Court today. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

IV. Counsel for the non-applicant/respondent pleads no objection to the prayer made in the application.

V. Accordingly, prayer made in the application is allowed and the date of hearing in the main case is pre-poned from 07.08.2025 to 24.04.2025, i.e., today itself, and the main petition is taken up for its hearing.

VI. CRM stands disposed of.

**CRM-M-11017-2024**

1. Petitioner is, in fact, complainant in a complaint case filed under Section 138 of the Negotiable Instruments Act, 1881 (in short, 'NI Act') i.e. NACT/116, dated 08.03.2021, titled as, "Shriram Transport Finance Company Ltd. v. Palwinder Singh".

2. Said complaint has been instituted on account of bouncing of Cheque No.570490, dated 30.12.2020, for an amount of Rs.4,08,743/- of PUNJAB GRAMIN BANK, Jalandhar Road, Kapurthala. Said cheque had been given to the petitioner (complainant) by the respondent for its encashment towards enforceable liability upon him.

3. Learned counsel for the petitioner while referring to the zimni orders having been recorded by the Trial Court, refers to the order dated 08.12.2022, and submits that the preliminary summoning evidence of the complainant was treated as after notice evidence, and thereupon, proceeding was adjourned for 07.02.2023, for cross-examination of the complainant (petitioner herein).

4. Learned counsel further submits that thereafter, petitioner was



present during the course of proceeding, but due to oversight of the counsel representing him, he could not offer himself for cross-examination in compliance to the order dated 08.12.2022, and resultantly, on 23.01.2024, evidence of the complainant was closed by the Court order, and request for adjournment was declined.

5. Learned counsel further submits that if one opportunity is afforded to the complainant (petitioner herein) to offer himself for cross-examination, if any, to be conducted by the respondent–accused, subject to the payment of some cost amount as well, it would, in fact, amount to compliance with the Court's direction dated 08.12.2022. Rather, upon granting such an opportunity, the evidence of the complainant can then be considered as complete evidence in the case, and thereafter, an appropriate decision can be taken by the Trial Court.

He also submits that in case such an opportunity is not granted and the request of the petitioner, as raised through the present petition, is declined, the petitioner may suffer irreparable loss at the final stage of the trial, thereby prejudicing his rights.

6. On the other hand, learned counsel appearing for the respondent, while defending the order passed by the Trial Court, submits that the order passed by the Trial Court is perfect in law and no interference in the same is required in any manner. He further submits that granting another opportunity to the petitioner may prolong the proceeding and same may cause prejudice to the rights of the respondent also. Therefore, petitioner should not be granted any further opportunity to offer himself for cross-examination.

7. I have heard learned counsel for the parties and perused the relevant material available on record.

8. There is no dispute that in case the statement got recorded by the



complainant at the preliminary stage of the case, is taken into consideration, as it is already on record, same would not serve the purpose because it cannot be termed as a complete evidence in accordance with law, because the petitioner has failed in offering himself for cross-examination, in pursuance to the order dated dated 08.12.2022 passed by the Trial Court.

9. Justification now expressed before this Court that due to oversight of the counsel representing him, he could not offer himself, appears to be convincing, otherwise, there was no reason for him to not to present himself for the purpose of cross-examination. This Court is of the view that prayer made in the present petition is worth accepting, and therefore, same is allowed and the impugned order dated 23.01.2024 (P-1), is modified to the extent of granting him one effective opportunity for offering himself for cross-examination at the instance of respondent before finalization of the proceedings.

However, this liberty shall be available to the petitioner (complainant), only after making payment of cost amount of Rs.20,000/-, which shall be paid by the petitioner (complainant) to the respondent – Palwinder Singh, in advance, before conducting the cross-examination.

10. With aforementioned observations, **present petition stands disposed of.**

**(SANJAY VASHISTH)  
JUDGE**

**April 24, 2025**

*J.Ram*

*Whether speaking/reasoned:* ✓ Yes/~~No~~

*Whether Reportable:* ✓ Yes/~~No~~