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

**CRR No.1266 of 2025 (O&M)
Date of Decision: 14.05.2025**

Richhpal Singh

..... Petitioner

Versus

Satish Kumar

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jagdish Manchanda, Advocate;
Mr. Nischal Chetanya Manchanda, Advocate and
Mr. Yogit Mehta, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

CRM-19941-2025

Allowed as prayed for.

CRR-1266-2025 (O&M)

1. Present petition has been filed praying for quashing of impugned order dated 08.05.2025 passed by the learned Judicial Magistrate Ist Class, Safidon whereby the application for leading additional evidence filed by the petitioner has been dismissed.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been clandestinely prosecuted in the present case and thus, for the examination of 02 witnesses, namely, Surender Rohilla and Manager/Official of HDFC Bank, an application under Section 311 Cr.P.C. was filed by the petitioner before the learned trial Court, however



the same was declined by the learned trial Court primarily on the ground that the petitioner had already availed multiple opportunities to lead evidence. He has submitted that diet money for examination of the witnesses, namely, Surender Rohilla and Manager/Official of HDFC Bank was also paid, however their services could not be effected. He has submitted that for the just decision of the case, the examination of both the witnesses is essential and hence, the Court should invoke its power under Section 311 Cr.P.C. as per the law settled.

3. Notice of motion.

4. Mr. K. P. S. Virk, Advocate has appeared on behalf of the respondent today in the Court. He has opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner had filed the application only in order to fill up the lacuna. He has submitted that the petitioner had already availed about 17 opportunities and hence, no ground for availing the opportunity to the petitioner is made out and thus, the present petition deserves to be dismissed.

5. Heard.

6. On hearing learned counsel for the parties and perusing the records, this Court finds that the petitioner had already approached this Court by way of filing CRM-M No.17985 of 2025 praying for quashing of complaint NACT No.409 of 2019, dated 21.09.2019, in which notice of motion along with notice regarding stay has been issued and the same is pending adjudication for 15.07.2025.



7. Provisions of Section 311 Cr.P.C. are to be invoked by the Court in a judicious manner where it is essential for the just decision of the case. The submissions made by learned counsel for the respondent however also cannot be ignored.

8. Keeping in view the facts and circumstances of the case and the law settled, this Court is of the opinion that the present petition deserves to be allowed by granting the petitioner only 02 effective opportunities for examination of two witnesses, namely, Surender Rohilla and Manager/official of HDFC Bank. Learned trial Court would provide two effective opportunities to the petitioner at its convenience. The petitioner is granted two effective opportunities for examination of witnesses as mentioned above before the learned trial Court concerned, subject to payment of costs of Rs.10,000/- to be paid to the complainant. The learned trial Court may ensure that before the examination of witnesses, the cost as imposed upon the petitioner, is paid to the complainant by the petitioner.

9. In view of the above, the present petition stands disposed of as such. Pending application, if any, also stands disposed of.

(RAJESH BHARDWAJ)
JUDGE

14.05.2025

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No