



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

**CRM-M-10829-2025
DECIDED ON: 19.05.2025**

KABUL SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kushagra Mahajan, Advocate
for the petitioner.

Mr. Sandeep Singh, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 528 of The Bharatiya Nagarik Suraksha Sanita, 2023 praying for issuance of directions to Ld. Revisional Court for early disposal of Criminal Revision No.132 of 2024, titled as "Kabul Singh Versus Kamal Arora & others", challenging the order vide which application U/s 311 Cr.PC/348 of B.N.S.S Act,2023 filed by petitioner having been declined vide order dated 19.09.2024 passed in Criminal Complaint bearing No. NACT-937 of 2019, titled as "Kamal Arora Versus Kabul Singh", as trial of said complaint is at advanced stage.

2. Learned counsel for the petitioner *inter alia* contends that the complainant/respondent No.2 filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short 'N.I. Act'). He further contends that during the pendency of proceedings before learned trial Court, in the

complaints bearing No.NACT/1425/2019 and NACT/937/2019, the matter was compromised between the parties on 14.12.2022 and it was agreed that the petitioner and other accused persons will pay total amount of Rs.9,00,000/- against both the complaints and petitioner had paid Rs.1,00,000/- in cash in favour of respondent No.2 before the learned trial Court, as is evident from Annexure P-2. It has been further contended that in view of the compromise, the petitioner also paid Rs.1,50,000/- as part payment and suffered statement on 02.03.2023 that they do not want to cross-examine the complainant.

3. It has been further asserted that on 10.05.2023, in the absence of the petitioner, counsel for respondent no.2 closed the complainant's evidence, stating that the petitioner had already expressed his intention not to cross-examine the complainant. However, the petitioner was unaware of this fact and, on 31.05.2023, he appeared with the remaining amount to be paid to the complainant. Despite this, respondent no. 2 was not present and subsequently resiled from the compromise, while the petitioner remained ready and willing to fulfil the terms of the compromise. Thereafter, the petitioner moved application under Section 311 Cr.P.C./348 BNSS for recalling complainant/respondent No.2 for his cross-examination; however, learned trial Court dismissed the said application vide order dated 19.09.2024 (Annexure P-7).

4. Mr. Mahajan, appearing on behalf of the petitioner contends that aggrieved against the said order, petitioner filed a revision petition which is pending consideration before learned Revisional Court for arguments. He Further contends that in the meanwhile, complainant/respondent No.2 filed CRM-M No.7286 of 2025 before this

Court for seeking directions for expeditious disposal of the complaint, which was disposed of on 10.02.2025 (Annexure P-10). Still further contends that learned trial Court is proceeding with the trial on day-to-day basis and matter is now fixed for recording statements of petitioner under Section 313 Cr.P.C.

5. Lastly, he contends that in the circumstances, it is imperative that petitioners be granted a fair opportunity to cross-examine the complainant and learned Revisional Court may be directed to dispose off the criminal revision expeditiously.

6. Learned State counsel opposes the prayer made in the present petition.

7. Heard learned counsel for the parties and perused the paper-book.

8. This Court keeping in view the peculiar circumstances of the case, directs that the present petition is disposed off with a mandate to learned Revisional Court not to grant unwarranted adjournments to either of the parties and conduct the trial expeditiously.

9. It is clarified that above observations be not construed as an expression of opinion on merits of the case, in any manner.

10. Pending application(s), if any, shall also stand disposed off.

(SANDEEP MOUDGIL)
JUDGE

19.05.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No