



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

**CRR-1911-2025 (O&M)**  
**Date of decision: 25.09.2025**

SANDEEP SINGH

...Petitioner

VERSUS

PARAMJIT SINGH

...Respondent

**CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present:     Mr. Tejbir Singh Hundal, Advocate  
                  for the applicant/petitioner.

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**YASHVIR SINGH RATHOR, J. (Oral)**

**CRM-39148-2025**

The present application under Section 528 of BNSS, 2023 has been moved for converting present Criminal Revision into Criminal Miscellaneous under Section 482 of Cr.P.C. (now 528 of BNSS).

For the reasons mentioned in the application, the same is allowed subject to all just exceptions. Registry is directed to make necessary corrections, wherever required.

**CRR-1911-2025**

1.             The present petition has been instituted against the order dated 02.07.2025 vide which an application under Section 348 of BNSS, (311 Cr.P.C.) moved by petitioner-accused has been dismissed by the learned trial Magistrate.



2. By way of application in hand the petitioner-accused made a prayer seeking permission to further cross-examine the complainant and to confront him with the inquiry report submitting that accused had applied through RTI Act for supplying copy of inquiry report with regard to application dated 18.12.2023 moved against complainant Paramjit Singh. The said inquiry report has been received by the accused after the examination of the complainant in the present case and as such, he could not put the said inquiry report to the complainant during his cross-examination and confronting the complainant with the said inquiry report is essential for just decision of the case.

3. Complainant/respondent opposed the prayer submitting that he has already been cross-examined at length and the present petition has been moved only to fill up the lacuna and to delay the case. The inquiry report can be proved by the accused while leading his evidence in defence as the inquiry report is a matter of record and dismissal of the application was sought.

4. Learned trial Magistrate after hearing the parties dismissed the application. Feeling aggrieved, petition in hand has been instituted.

5. Learned counsel for the petitioner has been heard and material collected by the police during investigation has been perused.

6. The present complaint has been instituted under Section 138 of NI Act on account of dishonor of cheque issued by the petitioner. Petitioner had submitted some complaint dated 18.12.2023 to the police and an inquiry was conducted by the police and now he wants to put the inquiry report to the complainant during his cross-examination and has



sought his recall for further cross-examination. However, complainant has already been cross-examined at length and the complaint is fixed for defence evidence and arguments and accused thus has got the remedy to prove the inquiry report by summoning the record through the police. Learned trial Magistrate while dismissing the application in hand has exercised the discretion vested in it on sound judicial considerations vide relying upon 2016 (4) RCR Criminal ‘**State of Haryana Vs. Ram Mehar**’ and has rightly held that the approach of the court may be liberal for recalling the witness under Section 311 Cr.P.C. but that does not necessarily mean that the liberal approach shall be rule and all the parameters shall become exceptions and the power under Section 311 Cr.P.C. must therefore be invoked by the Court only in order to meet the end of justice for strong and valid reasons and same must be exercised with care, caution and circumspection.

7. As a result of aforesaid discussion, I am of the considered opinion that the petition in hand is meritless and no interference in the impugned order is called for. Accordingly, the present petition is hereby dismissed.

**(YASHVIR SINGH RATHOR)**  
**JUDGE**

**25.09.2025**  
Priyanka Thakur

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No