

226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-42576 of 2014
DECIDED ON: JULY 02, 2015

BALBIR SINGH CHANDOK

.....PETITIONER

VERSUS

MAJOR KULDIP SINGH JARG

.....RESPONDENT

2.

CRM No. M-42578 of 2014

BALBIR SINGH CHANDOK

.....PETITIONER

VERSUS

MAJOR KULDIP SINGH JARG

.....RESPONDENT

3.

CRM No. M-42580 of 2014

BALBIR SINGH CHANDOK

....PETITIONER

VERSUS

MAJOR KULDIP SINGH JARG

.....RESPONDENT

AND

4.

CRM No. M-42641 of 2014

BALBIR SINGH CHANDOK

.....PETITIONER

VERSUS

MAJOR KULDIP SINGH JARG

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

Present: Mr. Kunal Dawar, Advocate
for the petitioner(s).

Mr. Amit Jain, Advocate
for the respondent(s)

JASPAL SINGH, J (ORAL)

Vide this common order I intend to dispose of four petitions i.e. CRM No. M-42576 of 2014, CRM No. M-42578 of 2014, CRM No. M-42580 of 2014 and CRM No. M-42641 of 2014 preferred under Section 482 Cr.P.C, as the same question of law and facts are involved in all the petitions.

2. Undisputably, complaint Nos. 5533 of 2013, 4429 of 2013, 5605 of 2013 and 3990 of 2013 preferred under Section 138 of Negotiable Instruments Act titled **Major Kuldeep Singh Jarg v. Balbir Singh Chandok** are pending disposal in the Court of learned Judicial Magistrate Ist Class, Gurgaon. When these complaints were fixed for defence evidence on December 01, 2014, petitioner moved applications for summoning official concerned of Registrar of Company Office, New Delhi alongwith records of company “M/s V.N. Solutions Pvt. Ltd.” and its list of Directors and copy of memorandum. But those applications were declined by learned trial Court vide impugned order dated December 01, 2014 simply on the grounds; that witness alleged to have been summoned by defence is/was very well within the knowledge of accused; that on the last date of hearing accused was specifically directed to conclude his entire evidence by the next date of hearing i.e. today; and that there is no explanation on the part of defence as to why applications could not have been filed earlier.

3. No doubt, three effective opportunities were afforded to petitioner to lead his defence evidence but he could not conclude. Even, petitioner appeared in the witness box as his own witness under Section 315 Cr.P.C. The mere fact that three opportunities have already been afforded by petitioner to adduce his evidence in defence and further that he could not explain as to why he could not move application earlier is no ground to decline the relief sought by petitioner to

examine the above-referred witness when an ample opportunity has already been afforded to complainant. When the complaint remained pending for a period of approximately two years, petitioner is also deserves to be afforded an ample and sufficient opportunity to lead his defence evidence.

4. However, without expressing any opinion on the merits of case but considering the fact that petitioner deserves to be afforded an opportunity to adduce and conclude his evidence, instant petitions are allowed with a direction to learned trial Court to afford one effective opportunity to petitioner to examine the witness referred to above but subject to payment of ₹2500/- in each case.

5. Resultantly, all the petitions stand allowed. Copy of this order be sent to concerned Court for compliance. Photocopy of this order be also palced on the connected revision petitions.

JULY 02, 2015
SHAM

(JASPAL SINGH)
JUDGE