

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-281-2023 (O&M)
Date of Decision: 22.02.2023

ANIL NAGPAL

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Rajiv Kataria, Advocate and
Mr.S.S. Rana, Advocate for the petitioner

Deepak Sibal, J. (Oral)

Through the present petition filed under Section 482 Cr.P.C. the petitioner assails order dated 21.01.2023 passed by the Judicial Magistrate 1st Class, Gurugram (for short – the Trial Court) through which an application filed by the petitioner seeking therein to summon Ashok Kumar Nagpal as a defence witness was rejected.

Learned counsel for the petitioner submits that the petitioner was required to file a list of defence witnesses by 14th November 2022; the list of witnesses could not be filed by the petitioner as in the meanwhile he had filed an application seeking to refer the cheque in question for forensic examination which application of his was dismissed on 15.12.2022; soon thereafter the petitioner sought to summon Ashok Kumar Nagpal as the only defence witness and that the petitioner undertakes before this Court not to lead any other evidence in his defence.

After considering the afore pleas raised on behalf of the petitioner and in line with the principles of natural justice as also not to preclude the petitioner from raising his defence at the threshold of the proceedings that he faces, after setting aside the impugned order the petitioner is permitted to examine Ashok Kumar Nagpal as his only defence witness on 23.02.2023.

As undertaken before this Court the petitioner shall not lead any other evidence.

The afore permission granted to the petitioner would be subject to payment of Rs.25,000/- as costs by the petitioner to be paid to respondent No.2 through a demand draft / banker's cheque in respondent No.2's name.

Since respondent No.2's complaint is pending for the last over 06 years the Trial Court is further directed to finally adjudicate upon the afore complaint within one month from the date next fixed before it, in accordance with law.

The petition is allowed in the above terms.

If respondent No.2 is aggrieved by passing of the present order, he is at liberty to approach this Court by filing of an appropriate application.

22.02.2023

gk

(Deepak Sibal)
Judge

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