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

CRM-M-35559-2022 (O&M)

Date of Decision: 17.08.2023

Pawan Kumar Verma

..... Petitioner

Versus

Renu Verma

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mohinder Kumar, Advocate,
for the petitioner.

Mr. Priyanshu Kamra, Advocate
for the respondent.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing/setting aside the order dated 01.08.2022 passed by the learned JMIC, Jalandhar Punjab (Annexure P-6) in complaint/case bearing No.NACT/4938/2019, Date of Institution 14.10.2019 titled as “Pawan Kumar Vs. Renu Verma” under Section 138 of the N.I. Act pending in the Court of learned JMIC, Jalandhar whereby the learned trial Court has allowed the application under Section 311 of the Cr.P.C. filed by the respondent/accused.

2. Learned counsel for the petitioner has submitted that it is a case where the petitioner and the respondent/complainant are closely related to each other and respondent is the sister-in-law of the petitioner. He further submitted that there was family dispute and the respondent/complainant was

examined. He further submitted that the present application under Section 311 of the Cr.P.C. for seeking permission for summoning of the witnesses along with the record for the purpose of the cross-examination of CW1. He submitted that two persons were required to be summoned i.e. the concerned Clerk from School, namely, Hall Mark Public School, Sector-15, Panchkula along with complete record in original as well as the complete original record of Policy No.133385346 in the name of Nidhi wife of Pawan Kumar from the office of Life Insurance Corporation of India, Jeevan Parkash Building, Model Town Road, Jalandhar along with payments record thereof regarding installments by whom paid and through which account same were paid. He submitted that such kind of application is not maintainable as the case is still at the prosecution evidence stage and the respondent during the defence evidence can summon any witness for proving any document in this regard and therefore, the impugned order which has been passed by the learned trial Court is erroneous in law.

3. On the other hand, Mr. Priyanshu Kamra, learned counsel for the respondent has submitted that no prejudice will be caused in case the aforesaid witnesses along with complete record are summoned and for the purpose of just adjudication of the present case.

4. I have heard the learned counsels for the parties.

5. The impugned order has been passed by which the application under Section 311 of the Cr.P.C. has been allowed. The persons who are sought to be summoned are the concerned Clerk from School, namely, Hall Mark Public School, Sector-15, Panchkula along with complete record in original as well as the complete original record of Policy No.133385346 in

the name of Nidhi wife of Pawan Kumar from the office of Life Insurance Corporation of India, Jeevan Parkash Building, Model Town Road, Jalandhar along with payments record thereof regarding installments by whom paid and through which account same were paid and the purpose is stated to be for cross-examination of CW1, who is the complainant. However, this Court is of the view that whenever the case is fixed for defence evidence then the defence can always summon any witness and produce any record for purpose of proving his or her defence.

6. Therefore, the impugned order is erroneous and cannot be sustained. Consequently, the present petition is allowed and the impugned order dated 01.08.2022 passed by the learned JMIC, Jalandhar vide Annexure P-6 is, hereby, set aside.

17.08.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |