



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

129

CRM-M-23841-2024

Date of Decision.:14.05.2024

Amritpal Singh

.....Petitioner

Vs.

Naresh Kumar Taneja

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ashok Bhardwaj, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C., petitioner prays to quash order dated 06.04.2024 (Annexure P-6) passed by learned Judicial Magistrate 1st Class, Sangrur, whereby application under Section 311 Cr.P.C. filed by respondent- complainant in case No.NACT-610-2019 under Section 138 of the Negotiable Instruments Act, has been allowed.

2. As it emerges on perusal of the paper-book that three complaints bearing No.NACT-609-2019; NACT-610-2019 & NACT-639-2019 were filed by the respondent- complainant against the accused-petitioner. Preliminary evidence was recorded therein. Later on, all the three complaints were clubbed and the complaint No.NACT-639-2019 was taken as the main case. Complainant tendered the documents in the said main case i.e. NACT-639-2019 pertaining to the cheque involved in that case but did

**CRM-M-23841-2024****-2-**

not tender the documents like cheque, return memo, legal notices etc. pertaining to the other two complaints i.e. NACT-609-2019 & NACT-610-2019. He moved application under Section 311 Cr.P.C. seeking permission to tender the documents pertaining to the complaint Nos.NACT-609-2019 & NACT-610-2019. That application has been allowed by way of impugned order dated 06.04.2024, which has been assailed by the petitioner- accused.

3. Learned counsel contends that complainant was very well aware since beginning about the clubbing of the three cases; that he moved the application to fill up the lacuna.

4. However, on query from this Court, learned counsel for the petitioner conceded the fact that in the main case i.e. NACT-639-2019, the documents pertaining to that complaint only were tendered, despite the fact that complaint No.NACT-610-2019, NACT-609-2019 were clubbed therewith and complainant sought permission to tender documents pertaining to those cases.

5. After going through the impugned order and also considering the wide scope of Section 311 Cr.P.C., this Court does not find any illegality in the impugned order.

6. At this, learned counsel for the petitioner has made a prayer to preserve the right of the accused- petitioner to cross-examine the complainant when he tenders the documents pertaining to complaint Nos.NACT-609-2019 & NACT-610-2019. The said submission made by learned counsel for the petitioner is quite reasonable and justified.



CRM-M-23841-2024

-3-

7. As such, present petition is hereby disposed of with direction that when the complainant- respondent tenders the documents allowed to be produced in the additional evidence, the petitioner- accused will be granted necessary right to cross- examine him.

8. Since this order has been passed without issuing any notice to the respondent- complainant, therefore, he will be at liberty to approach this Court, in case, he feels aggrieved by this order.

(DEEPAK GUPTA)
JUDGE

May 14, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No