



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

CRM-M-38146-2023

Date of Decision:-15.05.2024

Gaurav Kashyap Rajput.

.....Petitioner.

Versus

Sukhwinder Singh.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Gaurav Gaur, Advocate for
Mr. Sudesh Sahi, Advocate for the Petitioner.

Mr. Satnam Singh, Advocate &
Mr. Rishav Kamboj, Advocate for the respondent.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the petition under Section 482 Cr.PC is for quashing of the order dated 11.07.2023 (Annexure P-6) passed by the JMIC, Kapurthala in Criminal Complaint bearing No.NACT/327/2020 dated 03.09.2020 titled as Sukhwinder Singh Vs. Gaurav Kashyap Rajput whereby the cross examination of the respondent/complainant has been treated as nil.

2. The brief facts of the case are that the petitioner came to be summoned to face trial under the provisions of the Negotiable Instruments Act, 1881.

3. During the course of the Trial, the examination in chief of CW-1 Sukhwinder Singh was recorded by way of affidavit on 09.05.2023 and his cross examination was deferred on the request of the counsel for the petitioner/accused. On 06.06.2023 once again the cross examination was



deferred and the case was adjourned to 11.07.2023 subject to last and final opportunity. The copies of the orders dated 09.05.2023 and 06.06.2023 are attached as Annexure P-4 & P-5.

4. On 11.07.2023 an application was moved for exemption from personal appearance by the accused which was allowed. CW-1 Sukhwinder Singh (respondent) who was present to face cross examination was however not cross examined as the counsel for the accused did not turn up. Therefore, his cross examination was treated as nil. The copy of the order dated 11.07.2023 is attached as Annexure P-6 to the present petition and is impugned by way of the present petition.

5. The Counsel for the petitioner contends that on account of heavy rains in Kapurthala, the petitioner was unable to come to the Court because of which an application for exemption had been moved which had been allowed on 04.11.2023. A similar prayer was made by the Clerk of the counsel for the petitioner that the counsel was unable to reach the Court on account of heavy rains. Despite the request being made for an adjournment on account of the prevailing situation, the impugned order came to be passed. He therefore seeks one opportunity to effectively cross examine the complainant.

6. The Counsel for the respondent on the other hand contends that the only intention of the petitioner-accused was to delay the proceedings and, therefore, the present petition was liable to be dismissed.

7. I have heard learned Counsel for the parties.

8. Without going into the rival contentions of either sides, but in the attending facts and circumstances and with a view to secure the ends of justice, I deem it appropriate to grant the petitioner one effective opportunity to cross examine the respondent-complainant on the next date of hearing



fixed before the Trial Court subject to payment of cost of Rs.15,000/- to the complainant.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 15, 2024
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No