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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46068-2024

Date of Decision:- 17.09.2024

JASPAL SINGH

...Petitioner

Vs.

SANDEEP SINGH

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr.Malkiat S. Hundal, Advocate for petitioner.

AMARJOT BHATTI, J.

1. Petitioner Jaspal Singh has filed petition under Section 528 of BNSS, 2023 for quashing and setting aside of order dated 12.08.2024 (P-2) passed by learned Judicial Magistrate 1st Class, Amritsar in case No.NACT/5681/2019 titled "Jaspal Singh Vs. Sandeep Singh" filed under Section 138 of NI Act, 1881 whereby evidence of petitioner was closed by order.

2. Learned counsel for petitioner referred to copy of impugned order dated 12.08.2024 (Annexure P-2) vide which evidence was closed by order as on that day no evidence on behalf of complainant was present. Learned counsel representing petitioner prayed for one opportunity to complete evidence of complainant including cross-examination of Jaspal Singh complainant as CW-1.

3. No purpose would be served by giving notice to the respondent as it will lead to further delay in disposal of the case. All relevant documents necessary for the adjudication of this case are already

4. I have considered the arguments and have gone through the record. Perusal of impugned order shows that complaint is pertaining to the year 2019 and recital in the order further indicates that it is one of the action plan case. I have gone through the interlocutory orders annexed with the petition (Annexure P-1) which indicate that till date only statement of complainant (CW1) has been recorded partly and from day to day it was adjourned for cross-examination of complainant. On two different dates, complainant and accused were not present and their counsel had moved application seeking their exemption from personal appearance and on other dates Advocates were abstaining from work in the Court, as a result complete statement of complainant could not be recorded.

5. Considering the factual position, lenient view is taken and accordingly impugned order dated 12.08.2024 (Annexure P-2) is quashed with the direction to the learned trial Court to give one effective opportunity to complainant to conclude his evidence subject to payment of costs Rs.10,000/- to respondent herein.

6. Petition is, accordingly, disposed of.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

17.09.2024

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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No