



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

CRM-M-43512-2024

Date of decision: 04.09.2024

M/s Sainik Building Material Suppliers and Another ...Petitioners

Versus

Rakesh Dahiya ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Punit Malik, Advocate for the petitioners.

KARAMJIT SINGH, J. (ORAL)

1. This petition has been filed by the petitioners/accused under Section 528 of BNSS seeking setting aside of order dated 29.07.2024 (Annexure P-8) passed by the Court of Judicial Magistrate Ist Class, Gurugram vide which the defence of the petitioner was closed by the trial Court in criminal complaint case No.8138-2018 titled as Rakesh Dahiya Vs. M/s Sainik Building Material Suppliers and another.

2. The counsel for the petitioners submits that petitioners intend to examine one Robin in his defence, as he is a material witness and his evidence is necessary for proper adjudication of the case. The counsel for the petitioners made prayer that one last opportunity be granted to the petitioners to examine DW Robin, in support of his defence, in the interest of justice.

3. I have considered the submissions made by counsel for the petitioners.

4. It appears that petitioners have already availed four



opportunities to lead defence evidence and finally, oral defence evidence was closed by the trial Court vide order dated 05.07.2024. The counsel for the petitioners has argued that the petitioners be granted one opportunity more to examine Robin son of Rajender resident of Nolpur in his defence as he is a material witness and his statement/deposition is essential to just decision of the complaint case.

5. In light of the above, without expressing any opinion on the merits of the case, the present petition is allowed and the impugned order is set aside and petitioners are granted one effective opportunity to conclude his defence evidence by examining Robin son of Rajender, subject to cost of Rs.5000/- to be deposited by the petitioners with the District Legal Services Authority concerned. For the purpose of procuring the presence of aforesaid defence witness, the petitioner is at liberty to ask for dasti summons.

6. Keeping in view the nature of order being passed, no notice is required to be issued to the respondent. However, if he feels dis-satisfied with this order, he may move an application to recall the same.

04.09.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No