



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

1. CRM-M-1299-2025 (O&M)
Date of Decision: 13.01.2025
SH. YOGESH TYAGI
...Petitioner
V/S

STATE OF HARYANA AND ANOTHER ...Respondents

2. CRM-M-1315-2025 (O&M)
Date of Decision: 13.01.2025
SH. YOGESH TYAGI
...Petitioner
V/S

STATE OF HARYANA AND ANOTHER ...Respondents

3. CRM-M-1342-2025 (O&M)
Date of Decision: 13.01.2025
SH. YOGESH TYAGI
...Petitioner
V/S

STATE OF HARYANA AND ANOTHER ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shiv Bhatt, Advocate and
Mr. Lalit Kumar Yadav, Advocate for the petitioner.
Mr. Pankaj Middha, Addl. AG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. These petitions have been filed under Section 482 of Cr.P.C. seeking quashing/setting aside of the order(s) dated 19.12.2024 (Annexure P-1) and/or complaint Case Nos. 1050 of 2016 dated 30.01.2016 (Old complaint No. 235 of 2015), complaint Case No. 1221 of 2016 dated 03.02.2016 (Old Complaint No. 1025 of 2014) and 1222 of 2016 dated 03.02.2016 (Old Complaint No. 1024 of 2024) filed under Section 138 of

Negotiable Instruments Act pending in the Court of learned Judicial Magistrate First Class Gurugram and consequential proceedings arising therefrom.

2. As identical prayer has been made in all these cases, hence, all these petitions are disposed of vide this common order. However, the facts are borrowed from **CRM-M-1299-2025**.

3. Learned counsel for the petitioner *inter alia* contends that on 07.09.2024, learned Judicial Magistrate Ist Class, Gurugram has summoned the defence witnesses and thereafter, the petitioner has already examined 08 witnesses out of total 13, cited by him. Vide impugned order(s) dated 19.12.2024, the evidence of the petitioner(s) was closed by Court orders by learned Judicial Magistrate Ist Class, Gurugram on the ground that permission was granted to the petitioner to summon his witness on his own responsibility and after availing effective opportunities, last opportunity was afforded.

4. Learned counsel for the petitioner(s) further submits that he wishes to withdraw his prayer with regard to quashing of the complaint(s) (supra) and confines his prayer to the extent of seeking two more effective opportunities and undertake to conclude its evidence and would not seek further adjournment and delay the matter in any manner. Learned counsel for the petitioner(s) further submits that two witnesses are residing abroad and as such their deposition can be done through video conferencing.

5. Having heard learned counsel for the petitioner(s) and after perusing the record with his able assistance, the present petition is being decided in *limine*, without issuing notice of motion in order to save

litigation cost of the respondent(s) and judicial time of the Court.

6. This Court is of the considered opinion that, as far as possible, efforts must be made to ensure that the parties involved are allowed to present the best available evidence as that would lend credibility to the judicial proceedings. Denial of an opportunity, especially to the accused, to present the best available evidence or have an effective and substantial hearing, in order to prove his defence is in direct violation of the right to free and fair trial enshrined under Article 21 of the Constitution of India as well as the principles of natural justice. Hence, the learned Court below ought not to unnecessarily curtail the precious right of the defence to examine the witnesses.

7. Accordingly, without commenting further on the merits of the case, the impugned order(s) dated 19.12.2024 passed in all the three petitions are hereby set aside and the present petitions are disposed of in the following terms:

(i) Learned Judicial Magistrate Ist Class, Gurugram is directed to grant two effective opportunities to the petitioner(s) to conclude its evidence.

(ii) Learned trial Court would be at liberty to have the deposition of the witnesses residing abroad through video conferencing in terms of High Court Rules framed in this regard as well as the judgment rendered by this Court in *Sukhmanjit Singh Dhindsa vs. State of Punjab and others 2024(1) R.C.R.(Criminal) 636*.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court

shall proceed without being prejudiced by observations of this Court.



9. Pending miscellaneous application(s), if any, shall also stand disposed of.

13.01.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No