

CRM-M-5557-2025 (O&M) **1**

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

Sr. No.123-1 **CRM-M-5557-2025 (O&M)**
Date of Decision:19.02.2025

**Mobile N More Support Pvt. Ltd. Previously at SCF 47, Sector 11,
HUDA, Panipat, Haryana through its Director-Devendra @
Devinder Sharma.** ...Petitioner

VERSUS

State of Punjab and another ...Respondents

Sr. No.123-2 **CRM-M-5587-2025 (O&M)**
Date of Decision:19.02.2025

**Mobile N More Support Pvt. Ltd. Previously at SCF 47, Sector 11,
HUDA, Panipat, Haryana through its Director-Devendra @
Devinder Sharma.** ...Petitioner

VERSUS

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. H.P.S. Ghuman, Advocate
for the petitioner in both petitions.

Mr. Amandeep Singh, DAG, Punjab

SANJAY VASHISTH, J.(ORAL)

CRM-7228-2025 in CRM-M-5557-2025

The present application is for placing on record statement of
account from 01.10.2011 (wrongly typed as 19.10.2021) to 31.10.2011 of
HDFC Bank.

Keeping in view the averments made in the application, the
same is allowed. Annexure P-6 is taken on record.

CRM-5299-2025 in CRM-M-5587-2025

The present application is for placing on record statement of account from 01.10.2011 (wrongly typed as 19.10.2021) to 31.10.2011 of HDFC Bank.

Keeping in view the averments made in the application, the same is allowed. Annexure P-6 is taken on record.

CRM-M-5557-2025

1. Prayer in both the aforementioned petitions, filed under Section 528 of the BNSS, 2023, is for quashing of impugned order dated 14.11.2024 (Annexure P-4) passed by learned trial Court and the order dated 24.01.2025 (Annexure P-5) passed by learned revisional Court, whereby application and revision petition filed by the petitioner (being accused) under Section 348 of BNSS, 2023 (earlier Section 311 Cr.P.C.) for summoning the essential witness 'Sachin Gift Centre' have been dismissed in both the cases.

2. As per the stand taken by the petitioner in his application filed before learned trial Court is that the amount, which allegedly was to be paid as enforceable liability for paying debt to complainant Sheetal Sharma, was infact paid to Sachin Gift Centre, to whom petitioner wants to summon, by moving the application in question.

3. Learned counsel for the petitioner submits that the amount, which was payable to the complainant Sheetal Sharma was infact to be routed through Sachin Gift Centre. Thus, there is no denial by the



petitioner that the amount, which is subject matter of the bounced cheques, was payable to the complainant-Sheetal Sharma.

4. By considering the plea raised through the application and the stand taken by the respondent (complainant in complaint case), in its reply, learned both the Courts below observed that the prayer made in the application seems to be vague as vague it can.

Undoubtedly, petitioner is unable to explain before this Court also as to how the Court would infer, even if payment has been made to Sachin Gift Centre, that same was meant to be paid to the complainant thereby got discharge of his liability to pay the amount towards complainant.

Moreover, by examining the record, it is also found that the stand, which is now taken by the petitioner in his application before learned trial Court was never answered by the petitioner at first instance in response to the legal notice; even no such question or suggestion was put to the complainant witness Sheetal Sharma, when she appeared in the witness box. In the statement of the accused recorded under Section 313 of the Code of Criminal Procedure also, it was never a plea of accused.

Thus obviously a new case is being developed by the petitioner. Still petitioner submits that at present, the case is at a fag end and by taking a sympathetic view, one opportunity be granted to him to summon the said witness on his own responsibility subject to the payment of some amount. Petitioner's counsel also assures that trial would not be prolonged for his conduct.

5. Considering the last request and by taking a sympathetic view only, with an idea to satisfy the whims of the complainant, it is observed that in case the petitioner pays an amount of Rs.25,000/- (in each case), in advance to the complainant, within a period of 10 days from today, learned trial Court would grant one effective opportunity to him for calling the witness of his choice from Sachin Gift Centre.

6. In view of the above, the impugned order dated 14.11.2024 (Annexure P-4) passed by learned trial Court and the order dated 24.01.2025 (Annexure P-5) passed by learned revisional Court are set aside and learned trial Court is directed to give one effective opportunity to the petitioner (accused) to produce the witness of Sachin Gift Centre, on the date fixed by it, subject to payment of costs, referred above.

7. It is also observed that after recording the statement of the now summoned witness, trial Court would finally decide the case within eight weeks thereafter.

8. In case the condition of payment of cost is not complied within stipulated period, the sympathetic relief granted would be deemed to be inoperative.

(SANJAY VASHISTH)
JUDGE

19.02.2025
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No