



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

137

CRM-M-8489-2025

Decided on : 14.02.2025

Gajjan Singh

... Petitioner(s)

Versus

INDUSIND Bank Ltd.

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

PRESENT: Mr. Priyanshu Kamra, Advocate  
for the petitioner(s).

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**SANJAY VASHISTH, J. (Oral)**

1. Petitioner – Gajjan Singh, aged about 57 years, has filed the instant petition under Section 528 of BNSS, 2023, by challenging the order dated 27.01.2025, passed by Ld. Judicial Magistrate First Class, Abohar (Annexure P-4), vide which, application dated 17.01.2025 (Annexure P-1) filed by the petitioner, was dismissed in NACT No.1390 of 2021.

2. Counsel for the petitioner submits that in the case wherein the petitioner is facing trial under Section 138 of the Negotiable Instruments Act, 1881 (for brevity, 'NI Act'), on account of bouncing of cheque amounting to Rs.10.00 lacs, an application for recalling the complainant for further cross-examination upon the previous litigation between the parties, has been dismissed.

3. Counsel further submits that although the complaint was filed in the year 2021 and about two years of the period was wasted due to the pandemic COVID-19, and now recently on 04.09.2024 and 04.12.2024, complainant had appeared in the witness-box and was also cross-examined



by the petitioner. But being an illiterate person, he was not aware of the technicalities of the cross-examination, rather, was under the *bona fide* belief that he would be granted some more time for cross-examination of the witness, as and when the other documents pertaining to the earlier transactions between the parties are available with him. The application filed in that regard to grant one more opportunity, has been dismissed. Whereas, by allowing the same, no prejudice would have been suffered by the respondent – complainant.

4. Counsel also submits that if a chance is granted for conducting further cross-examination of the complainant, petitioner is ready to pay some cost amount also, as is considered appropriate by the Hon'ble Court.

Thus, prays for allowing the application by setting-aside the impugned order dated 27.01.2025.

5. I have heard counsel for the petitioner and perused and examined the relevant material on record.

6. I am of the considered view that by taking into consideration the interest of the other side also i.e. complainant (respondent herein), he should be duly compensated while granting one more opportunity to the petitioner, so that he may not develop a feeling of not being afforded appropriate opportunity to lead evidence or to cross-examine the witness.

The complainant was examined on 04.09.2024 and 04.12.2024 and the application for recalling the complainant for further cross-examination was dismissed by the Ld. Trial Court on 27.01.2025 (P-4). Therefore, it cannot be said that there is a huge delay in the proceedings also, and prayer for further cross-examination has been made at much



belated stage to benefit the petitioner.

7. Considering the circumstances in totality and the nature of the prayer that the petitioner seeks to address herein, the present petition is **allowed**. Consequently, the order dated **27.01.2025** is **set aside**. It is directed that the respondent-complainant shall make himself available for further cross-examination by the petitioner, as per the directions of the Learned Trial Court.

However, it is made clear that only one opportunity shall be granted for this purpose, and the Learned Trial Court shall ensure that the said opportunity is an effective one.

Additionally, it is specified that before summoning the complainant to appear in the witness box for further cross-examination, the petitioner shall pay an amount of Rs. 25,000/- in advance to the complainant (respondent) as compensation.

Furthermore, liberty is granted to the complainant (respondent) that if he still feels aggrieved by the opportunity granted by this Court, he may file an appropriate application for the revival of the present petition. However, in such an eventuality, the complainant (respondent) will have to return the entire compensation amount of Rs. 25,000/- to the petitioner.

Petition stands disposed of in above terms.

(SANJAY VASHISTH)  
JUDGE

February 14, 2025

J.Ram

Whether speaking/reasoned: Yes/No  
Whether Reportable: Yes/No