

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

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CRM-M-14657-2025 (O&M)
Date of decision: 25.03.2025

Kapil Batra**...Petitioner****Versus****Gurpreet Singh and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Pranav Handa, Advocate
for the petitioner.

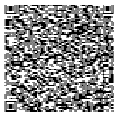
Mr. Amit Dhawan, Advocate
for respondent No. 1.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 11.02.2025 (Annexure P-9), whereby the learned trial Court has reviewed/modified its order dated 11.02.2025 as well as for quashing of order dated 18.01.2025 (Annexure P-4), whereby the learned trial Court had allowed to summon forensic & handwriting expert from FSL, Mohali.

2. As a matter of fact, the petitioner has filed a petition bearing **CRM-M-16144-2025** with a similar prayer to quash the order dated 11.02.2025 as well as for quashing of order dated 19.03.2025, passed by the learned trial Court, whereby the evidence of the petitioner has been closed. Vide order dated 24.03.2025 passed by this Court, the said petition has been disposed of by directing the learned trial Court to grant only one effective opportunity to the petitioner for the purpose of producing defence evidence, subject to payment of cost of Rs. 30,000/- to the complainant, which included the amount of cost previously imposed upon the petitioner.

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3. The present petition has been filed challenging the same order i.e. the order dated 11.02.2025, passed by the learned trial Court as well as the order dated 18.01.2025. Once the petitioner had restricted his claim in the proceedings of the aforesaid petition i.e. CRM-M-16144-2025 only to the extent of granting him an opportunity to lead defence evidence, which has in fact been granted to him on the condition mentioned above, and no challenge was laid to order dated 11.02.2025, therefore, he cannot lay any challenge to the same order by filing another petition. So far as the order dated 18.01.2025 is concerned, the petitioner is alleging that the learned trial Court has modified the said order while passing the order dated 11.02.2025. However, the fact remains the same i.e. when the petitioner has not laid any challenge to order dated 11.02.2025 at the time of disposal of the aforesaid petition, he cannot subsequently challenge the same by filing another petition. As such, the petition being devoid of any merit is dismissed.

4. However, keeping in view the fact that the learned trial Court had given direction to summon a local handwriting expert and now in aforesaid petition bearing CRM-M-16144-2025, this Court has given direction to the learned trial Court to grant one more opportunity to the petitioner to lead evidence, therefore, on request of learned counsel for the petitioner, direction is given to the learned trial Court to allow him to produce any handwriting expert, whether local or from any other city, in defence evidence.

25.03.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No