



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

155

CRM-M-16154-2025
Decided on : 24.03.2025

Amrit Shameer Singh

... Petitioner(s)

Versus

Pritpal Singh

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vansh Chawla, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Amrit Shameer Singh, aged about 33 years, has filed the instant petition under Section 528 of BNSS, 2023, by challenging the order dated 05.03.2025 (Annexure P-1), passed by Ld. Judicial Magistrate First Class, Ludhiana, vide which, evidence of the petitioner has been closed in Criminal Complaint Case No. COMA/13352/2017, titled as, “Pritpal Singh v. Amrit Shameer Singh”.

2. Impugned order dated 05.03.2025 (Annexure P-1), passed by Ld. JMFC, Ludhiana, is reproduced as under:-

*“Present: Ld. Counsel for the complainant.
Accused absent.*

Today, the case was fixed for Dws. However, no DW present. Neither accused nor anybody on his behalf turned up before the court since morning despite repeated calls of the case. Record perused. Perusal of the record transpired that evidence of complainant was closed and statement of accused u/s 313 Cr.P.C. was recorded on 20.9.2024. Since, then the case is fixed for Dws. An application for permission to examine handwriting expert filed by accused which was allowed vide order dated 14.2.2025 passed by this court and the accused was allowed to examine the handwriting expert. However, till date accused neither examined handwriting expert nor any Dw. Present complaint is an old complaint falls under the action plan category of



this court. This court is satisfied that the accused is intentionally delaying the more than 7 years old complaint hence for the reason recorded above, I do not deem it proper to adjourn the case further for Dws. Accordingly, DW is hereby closed by order of the court. Now, the case stands adjourned for 24.3.2025 for awaiting presence of accused as well as for addressing final arguments.

*Date of Order: 05-03-2025
Lalita Stg-III*

*(Shaweta)
JMIC, LDH
UID NO . PB00621”*

3. Counsel for the petitioner submits that the reason given in the impugned order (P-1), that petitioner is intentionally causing delay of more than seven years in prolonging the trial, is absolutely incorrect approach, because, it was the complainant only, who had moved an application for examining/recalling of himself under Section 311 Cr.P.C. that too, about two years back.

4. Counsel further submits that in case one opportunity is granted to the petitioner by taking a sympathetic view, 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 05.03.2025 (P-1).

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 his evidence as well as examination of handwriting expert.

7. Considering the circumstances in totality and the nature of the



prayer, the petitioner seeks to address herein, the present petition is **allowed**. Consequently, the order dated **05.03.2025 (P-1)** is **set aside**. It is, however, made clear that trial Court shall grant one effective hearing on or before **09.04.2025**, and thereupon, final arguments shall be heard.

It is also made clear that, entirely, it shall be the responsibility of the petitioner (accused) to produce his evidence, whatever he wants, during that one opportunity. However, the Ld. Trial Court shall also ensure that said opportunity would be 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. 15,000/- in advance to the complainant (respondent) as compensation.

8. 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. 15,000/- to the petitioner.

9. **Petition stands disposed of in above terms.**

(SANJAY VASHISTH)
JUDGE

March 24, 2025

J.Ram

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