

2025:PHHC:060422



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

**CRR-1065-2025
DECIDED ON: 24.04.2025**

RAJDEEP SINGH

.....PETITIONER

VERSUS

SUNIL CHHABRA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Swaran Tiwana, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 442 of BNSS has been invoked seeking quashing of impugned order dated 25.03.2025 in a complaint case bearing NACT/323/2018 titles as “Rajdeep Singh vs Sunil Chhabra” passed by learned Judicial Magistrate 1st Class, Amloh, District Fatehgarh Sahib whereby, the evidence of complainant has been closed by order and the same is against the principle of Natural Justice.

2. It has been contended on behalf of learned counsel for the petitioner that the non-appearance of the petitioner before the trial Court is neither intentional nor willful but on account of the fact that the uncle of the petitioner died on 18.03.2025 and his last rites were to be performed on 26.03.2025. He further submits that the petitioner was pursuing the matter

very sincerely and cautiously and was appearing on each and every date as is evident from the Annexures annexed with the petition but the Trial Court passed impugned order dated 25.03.2025 in very mechanical way closing his evidence.

3. This court is of the view that granting one last opportunity typically does not prejudice either party. Instead, it ensures that the case is decided on its merits, with all relevant evidence considered. This approach aligns with the principles of natural justice, especially the rule of *audi alteram partem* (no one should be condemned unheard). By allowing the petitioner to conclude evidence, the court promotes a fair trial and avoids arbitrary or unjust outcomes.

4. In view of the foregoing, discussion, it is held that the trial Court has adopted a very casual and pedantic approach while closing the evidence of the complainant-petitioner and ignored the fact that rules of procedure are handmade of administration of justice and the same are to be applied to enhance the cause of justice and not to defeat the same. Thus, by granting one last opportunity to the petitioner to conclude his evidence this Court is of the view that neither of the parties would suffer prejudice rather it would help in facilitation of the case to secure the ends of justice.

5. As a consequence, the impugned order dated 25.03.2025 passed in complaint case bearing NACT/323/2018 titles as “Rajdeep Singh vs Sunil Chhabra” passed by learned Judicial Magistrate 1st Class, Amloh, District Fatehgarh Sahib is set aside and one last opportunity is granted to the petitioner subject to the payment of costs of Rs 15000/- to be deposited with

Punjab and Haryana High Court Bars Clerk Association receipt of which shall be produced before the trial court on the next date of hearing.

6. Petition stands disposed of in the aforesaid terms.

24.04.2025
Poonam negi

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>