



CRM-M-28214-2025 1

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

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CRM-M-28214-2025
Decided on: 23.05.2025

DAVINDER SINGH

..... Petitioner

V/S

GURSAHIB SINGH

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr.Harmanpreet Singh, Advocate
for the petitioner.

SANJAY VASHISTH, J.

1 The instant petition has been filed by the petitioner – Davinder Singh by challenging the order dated 31.01.2025 (Annexure P-11), whereby in a proceeding in a criminal complaint under Section 138 of Negotiable Instruments Act (NACT/432/2021, Gursahib Singh Vs. Davinder Singh), the learned Judicial Magistrate First Class, Amritsar, closed the defence evidence by Court order.

2. Learned counsel for the petitioner by referring the Zimni orders submits that the statement under Section 313 Cr.P.C. of the petitioner/accused had been recorded on 01.10.2024. Thereafter, proceeding was fixed for defence evidence. However, on 22.10.2024 and on 08.11.2024, no defence evidence could be recorded because of “**No Work Day**” observed by the Bar Association, Amritsar. On 14.11.2024,



it was directed that the witnesses be summoned as per list. On 29.11.2024, however, on account of non-depositing of the diet money for summoning of the DWs, required summons could not be issued and proceedings were adjourned to 11.12.2024.

3. On 11.12.2024, Presiding Officer was on leave and the proceedings were adjourned for 08.01.2025. On 08.01.2025, accused/petitioner could not appear before the Court and attempted to seek exemption from personal appearance. However, the same was declined. It is on 31.01.2025, when the petitioner/accused though was present but on account of failure to produce any defence witness, his evidence was closed by Court order.

4. On being asked by the Court, learned counsel informs that he requests to produce two witnesses namely Daljit Kaur and Simranjit Singh, if granted one opportunity even subject to some cost amount.

5. I have heard learned counsel for the petitioner and considered the submissions addressed.

6. Without making any observation/comments over the correctness of the submissions though finding no reason to disbelieve the contention, this Court deems it appropriate to grant one opportunity to the accused/petitioner. Petitioner would be at liberty to produce his witnesses and lead their evidence before learned trial Court. Accordingly, present petition is disposed of by modifying the order dated 31.01.2025 to the extent of closing of the evidence of the petitioner, by granting an opportunity. However, this opportunity would be available with the



petitioner only on payment of Rs.20,000/- (Rupees Twenty thousand only) to the respondent and thereupon the required proceedings would be conducted by the Court, after recording its satisfaction to that effect.

7. As present petition is disposed of without issuing notice to the respondent, liberty is granted to the respondent that, in case he 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 respondent will have to return the entire amount of **Rs. 20,000/-** to the petitioner in advance.

(SANJAY VASHISTH)
JUDGE

May 23, 2025

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Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO