



CRM-M-35920-2025

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

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CRM-M-35920-2025

Date of decision: 04.08.2025

Satish Kumar @ Satish

...Petitioner

V/s

Dinesh Kumar and others

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rishav Jain, Advocate for the petitioner.

Mr. Madan Sandhu, Advocate for the respondents.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 528 BNSS seeking quashing and setting-aside of the impugned order dated 22.05.2025 passed by Sub Divisional Judicial Magistrate, Narwana whereby the pre-charge evidence of the petitioner-complainant has been closed by order.

2. Learned counsel for the petitioner has iterated that the impugned order passed by the trial Court, whereby the pre-charge evidence of the petitioner-complainant was closed, is perverse, illegal and unsustainable in the eyes of law. It has been further iterated that the impugned order is contrary to the settled principles of natural justice and fair trial and has been passed without affording the petitioner a reasonable opportunity to conclude his pre-charge evidence. Learned counsel has further contended that no prejudice would be caused as the accused themselves were not present when the impugned order was passed i.e. on 22.05.2025 and hence there was no justifiable reason for the abrupt closure of the pre-charge evidence of the petitioner. Learned counsel has further



argued that the premature closure of evidence, despite the pendency of material witnesses has severely prejudiced the case of the petitioner and amounts to a denial of the right to present his case in a complete and effective manner. In view of the foregoing, learned counsel has respectfully prayed that the impugned order be quashed and set-aside and the petitioner be granted one final and fair opportunity to lead and conclude his pre-charge evidence which has been unjustly declined by the Court.

3. *Per contra*, learned counsel for the respondents have vehemently opposed the present petition by arguing that the impugned order passed by the trial Court is well-reasoned and does not warrant interference. It has been submitted by learned counsel that the petitioner/complainant was granted multiple opportunities over a prolonged period of time to lead his pre-charge evidence but failed to do so diligently. Furthermore, the closure of pre-charge evidence by the Court below was necessitated due to the repeated failure of the petitioner to conclude his evidence despite sufficient latitude granted on the prior dates. In view of the aforesaid submissions, dismissal of the instant petition is entreated for.

4. I have heard learned counsel for the rival parties and have perused the available record.

5. The petitioner-complainant filed a complaint under Sections 420, 465, 467, 468, 471 and 120-B of IPC before the Court of Sub-Divisional Judicial Magistrate, Narwana on 03.07.2018. In the said complainant, it was alleged that the accused persons, in furtherance of their common intention and criminal conspiracy, committed acts of forgery, cheating and used fabricated documents with the intention to deceive and



cause wrongful loss to the petitioner. After taking cognizance of the matter and examining the preliminary evidence led by the complainant, the trial Court was *prima facie* satisfied that there was sufficient material on record to proceed against the accused. Accordingly, vide order dated 22.12.2021, the trial Court summoned all the accused to face trial for offences punishable under Sections 420, 465, 471 and 120-B of IPC. Thereafter, the matter proceeded to the stage of pre-charge evidence. It is the grievance of the petitioner that vide impugned order i.e. on 22.05.2025, the learned trial Court arbitrarily closed the pre-charge evidence of the petitioner despite the fact that the accused persons had been granted exemption from appearance on that date. It is borne out from the record that the trial Court, after passing the impugned order adjourned the matter for consideration on charge on 10.06.2025 and thereafter to 31.07.2025 at the request of the defence. This sequence of events does not reflect any pressing urgency that would justify the consequence of closure without one final opportunity. However, this Court is of the considered view that though the trial Court is well within its discretion to regulate the pace of the proceedings, the ends of justice would be better served by affording the petitioner a final and time-bound opportunity to conclude his pre-charge evidence.

6. In view of the *prevenient ratiocination*, it is directed as follows:

(i) The impugned order dated 22.05.2025, passed by the learned SDJM, Narwana is hereby set-aside. The petitioner be granted two effective opportunities to conclude his pre-charge evidence before the trial Court. This, however, will be subject to costs of Rs.20,000/- to be remitted to



Haryana State Legal Service Authority. Payment of these costs shall be a condition precedent.

- (ii). Any observations made and/or submissions noted hereinabove shall not have any effect on the merits of the case and the Court below shall proceed further, in accordance with law, without being influenced therefrom.
- (iii). Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

August 04, 2025
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No