



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

116

CRR-1700-2025

*Date of decision: 16.07.2025***Hindbir Singh****.....Petitioner****Versus****Kotak Mahindra Bank****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Deepak Jaglan, Advocate for
Mr. Prince Singh, Advocate for the petitioner.

Mr. Jastej Singh, Addl.AG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 442 of BNSS for setting aside impugned order dated 06.06.2025 passed by learned JMIC, Chandigarh in CIS No.NACT/8332/2020 titled as Kotak Mahindra Bank Vs. Hindbir Singh vide which evidence of the complainant has been closed by court order on the ground that learned counsel for the petitioner failed to conclude complainant's evidence as well as the costs have also not been paid.

Learned counsel for the petitioner would submit that without recording assertions made on behalf of the petitioner-accused, the trial Court vide order dated 06.06.2025 closed the evidence of the complainant without providing an opportunity of cross examination to the present petitioner.

Absence of the petitioner-accused and his inability to cross examine the witness on that particulate date was due to unavoidable circumstances, which were beyond his control, as the petitioner was called for an interview on 06.06.2025 at Northern Regional Office, Enforcement Directorate, BSNL Bhawan, Sector 17, Chandigarh for the post of Special Public Prosecutor, which is supported by the call letter for interview dated 28.05.2025 (Annexure P.2).

Be that as it may, without going into the issue further on merits and in order to meet the ends of justice and to do substantial justice, it would be appropriate to grant one more opportunity to the petitioner for conducting cross



examination of the witness for which case was fixed on 06.06.2025 before the learned JMIC, Chandigarh.

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 *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.

In view of the foregoing discussion, it is held that the trial Court has adopted a very casual and pedantic approach while dismissing the application of the petitioner without appreciating 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.

As a consequence the impugned dated 06.06.2025 passed by learned JMIC, Chandigarh in CIS No.NACT/8332/2020 titled as Kotak Mahindra Bank Vs. Hindbir Singh, passed by learned JMIC, Chandigarh is set aside and one last opportunity is granted to the petitioner subject to payment of Rs.10,000/- as costs to be deposited with the Punjab and Haryana High Court Bar Association, a receipt of which shall be produced before the learned trial Court on the next date of hearing.

Petition stands allowed in the above said terms.

(SANDEEP MOUDGIL)
JUDGE

16.07.2025
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No