



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

142

CRM-M-42711-2025
Date of decision: 16.10.2025

KABUL SINGH

....Petitioner

Versus

KAMAL ARORA

...Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Kushagra Mahajan, Advocate for the petitioner.

Ms. Ravisha Mahajan, Advocate for the respondent.

RUPINDERJIT CHAHAL, J. (ORAL)

1. Instant petition under Section 528 of BNSS, 2023 has been preferred for setting aside the order dated 19.09.2024 (Annexure P-7) passed by learned Judicial Magistrate Ist Class, Amritsar whereby the application filed by the petitioner under Section 311 Cr.P.C./348 BNSS, 2023 in Criminal Complaint bearing No. NACT-1425 of 2019 titled '*Kamal Arora Vs. Crystal Wine through its Authorized Signatory and Ors.*' was dismissed and further for quashing of the impugned order dated 19.07.2025 (Annexure P-9) passed by learned Additional Sessions Judge, Amritsar whereby the revision was also dismissed in Criminal Revision No.133 of 2024 titled '*Crystal Wine vs. Kamal Arora*'.

2. Learned counsel for the petitioner contended that the impugned order dismissing the application under Section 311 Cr.P.C. is based on assumptions and presumptions. The complaint was filed on 06.03.2019, and



on 14.12.2022, the parties settled the dispute for ₹9 lakh, with ₹1 lakh was paid in Court and the balance was to be paid by cheques, which were dishonoured on 02.03.2023. The petitioner's counsel declined to cross-examine the complainant due to the compromise. On 10.05.2023, the complainant closed evidence stating that petitioner has already made a statement that he did not want to cross-examine the complainant. Being unaware of this fact, on 31.05.2023, the petitioner appeared with the balance amount but the complainant was absent on the day of payment, and later refused to accept the amount on 15.06.2023. The petitioner subsequently filed application under Section 311 Cr.P.C./348 BNSS on 11.08.2023 for recalling the complainant for his cross-examination. That application was dismissed without considering the prejudice caused to the petitioner's defence or the earlier compromise-based waiver. Aggrieved by the said order, the petitioner filed a criminal revision before the Additional Sessions Judge, Amritsar which was also dismissed as not maintainable. Aggrieved of the dismissal, the present application has been filed.

3. Learned counsel for the petitioner argued there was no deliberate intention to avoid cross-examination and urged that without it, the petitioner would suffer irreparable harm. Learned counsel for the petitioner further contends that learned Judicial Magistrate Ist Class, Amritsar dismissed the petitioner's application without properly appreciating the facts and law. Hence, he prayed that the present petition be allowed.

4. Learned counsel for the respondent/complainant contended that the impugned order is well-reasoned and justified, requiring no interference.

The petitioner voluntarily chose not to cross-examine the complainant and



has since delayed the proceedings and also failed to honor the compromise. Therefore, the petitioner should not be allowed to cross-examine the complainant at this stage. Accordingly, learned counsel prayed for the dismissal of the petition.

5. At this juncture, after arguing for some time, learned counsel for the petitioner restricts his prayer that two effective opportunities be given to the petitioner to complete the cross-examination of the complainant.

6. Heard.

7. The principles of natural justice are integral part of fair trial under Article 21 of the Constitution. Nobody should be stopped from adducing the best evidence that would be necessary for deciding the controversy effectively and any such denial to the accused in proving his defence would amount to denial of free and fair trial.

8. Without delving into the merits of the present petition and in view of the limited prayer made by the petitioner, the learned Trial Court is directed to afford the petitioner one effective opportunity to conclude cross-examination of the complainant, at own responsibility, subject to payment of Rs.20,000/- as costs to be deposited by the petitioner in Punjab State Legal Services Authority-Disaster Relief Fund, (State Bank of India, Sector-68, SAS Nagar, Account No.44426937384, IFSC Code SBIN0014656).

9. The petition is disposed of in above said terms.

(RUPINDERJIT CHAHAL)
JUDGE

16.10.2025

Mohit Bishnoi

i)	Whether speaking/reasoned	Yes/No
ii)	Whether reportable	Yes/No