



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

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CRM-M-45795-2024 (O&M)
Decided on : 07.07.2025

M/s Bajwa Gram Udyog Samiti (Regd.)

. . . Petitioner(s)

Versus

Punjab State Cooperative Supply and
Marketing Federation Limited (MARKFED)

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ajay Pal Singh REhan, Advocate
for the applicant-petitioner.

Mr. Amaninder Preet, Advocate
for the respondent – MARKFED.

SANJAY VASHISTH, J. (Oral)

CRM-24783-2025

I. This is an application filed u/s 528 of BNSS, 2023, seeking preponement the date of hearing in the main case i.e. CRM-M-45795-2024 from 29.09.2025 to an early date.

II. In view of the averments made in the application, which is duly supported by an affidavit, the date of hearing in the main case is advanced from 29.09.2025 to today itself, i.e., 07.07.2025.

III. CRM stands disposed of.

CRM-M-45795-2024

1. In view of the orders of even date passed in CRM-24783-2025, main case is taken up for hearing today itself.

2. Instant petition has been filed by assailing the order dated 10.03.2023 (Annexure P-5), passed by Ld. JMIC, Hoshiarpur, and also the order dated 06.07.2024 (Annexure P-6), passed by Ld. ASJ, Hoshiarpur,

whereby, application moved under Section 311 Cr.P.C. (corresponding Section 348 of BNSS, 2023), for reexamination of the witnesses, has been allowed.

2. In a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (for brevity, 'the Act'), instituted at the instance of the complainant, namely Balwant Singh, authorized representative of the Punjab State Co-operative Supply and Marketing Federation Ltd. (MARKFED) (respondent herein), an application was moved by him to offer certain clarifications regarding the circumstances under which the cheques in question were handed over to him in the year 2016.

It is an admitted position that this witness was specifically cross-examined on 25.01.2023 and thereafter his examination was concluded on 23.02.2023. It was only after the completion of his cross-examination on the same day that witness Balwant Singh himself moved an application seeking correction of his statement made during the cross-examination on 25.01.2023. The ground taken was that since the case was already seven years old, after giving due thought, he realized and recalled that Davinder Singh Bajwa himself had not come at that time; rather, three other persons, who were sent by him at the District Office, MARKFED, Hoshiarpur, had arranged a telephonic conversation with Davinder Singh Bajwa. It was thereafter that Davinder Singh Bajwa delivered three cheques amounting to Rs.1,25,00,000/-, which were sent by him for presentation in the Bank.

Considering the genuineness of the application, despite the objections raised by the accused (petitioner herein), the trial Court allowed the witness to be re-examined. Upon the petitioner assailing this order before the Revisional Court, the findings recorded by the trial Court were confirmed

on merits. This is how the petitioner has approached this Court through the instant petition.

3. I have perused the impugned orders passed by both the Courts below. I find that witness Balwant Singh has no personal interest in the dispute and had only appeared to represent MARKFED. As already discussed by the Courts below, since the dispute pertains to an incident nearly seven years old, it was plausible that the witness required some time to refresh his memory regarding the factual matrix. In the circumstances, on realizing the actual position, he moved an application to clarify the same. The Courts below, by exercising judicial discretion, rightly considered the genuineness of the plea, keeping in view the paramount interest of justice—particularly as the dishonoured cheque amounting to Rs.1,25,00,000/- involves public funds.

Moreover, witness Balwant Singh is in no manner directly or indirectly connected with the dispute, except as an official representative. Thus, the prime consideration before the Courts was to safeguard the interest of justice. Further, if the petitioner apprehends any prejudice due to the re-examination of the witness, he will certainly have the opportunity to cross-examine the witness again, and it shall remain open to him to raise all such issues at the final stage to highlight the same before the Court. Consequently, it cannot be presumed that by allowing the witness to be re-examined, the trial Court will disregard the objections of the petitioner while deciding the matter finally.

4. Resultantly, I do not find any ground to interfere with the orders impugned herein. Accordingly, the present petition stands **dismissed**.

However, it is expected that the Courts below, at the appropriate

stage, shall duly consider the objections, if any raised by the accused/petitioner, before rendering a final decision in the matter.

With aforementioned observations and terms, the instant petition is disposed of.

(SANJAY VASHISTH)
JUDGE

July 07, 2025
J.Ram

Whether speaking/reasoned: *Yes/~~No~~*
Whether Reportable: *Yes/~~No~~*