



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

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**CRM-M No.43795 of 2025 (O&M)
Date of Decision :26.08.2025**

Navjit Singh @ Navjeet Singh

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. Gagan Oberoi, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. Aggrieved of the order dated 30.07.2025, passed by the learned Judicial Magistrate Ist Class-4, Mohali, in a trial for the commission of offence punishable under Sections 406 and 420 IPC, the present petition has been filed under Section 528 of Bharatiya Nagrik Surakhsa Sanhita, 2023.

2. It has been alleged by the petitioner that he is facing large number of trials and that one of such trial is in the Court of Judicial Magistrate Ist Class-4, Mohali, vide FIR No.104 dated 25.05.2017, for the commission of offence punishable under Sections 406 and 420 IPC.

3. According to learned counsel for the petitioner in the above mentioned case the prosecution evidence had already been concluded and after recording of his statement under Section 313 Cr.P.C., the case was fixed for defence evidence. According to petitioner without giving him proper



opportunity to lead defence evidence his above mentioned opportunity has been closed by the learned trial Court. Hence, the present petition.

4. Heard.

5. It has been contended by learned counsel for the petitioner that impugned order whereby the opportunity of petitioner to lead defence evidence has been closed, by the learned trial Court, is perverse and contrary to the settled principles of law. According to learned counsel for the petitioner a valuable right of defence of the petitioner has been curtailed by the learned trial Court, without looking into the facts that it was not the lapse of the petitioner which was responsible for his failure to conclude defence evidence. In this regard it has been argued by learned counsel for the petitioner that on 27.03.2025, the petitioner had moved an application before the learned trial Court for permission to examine few defence witnesses, and also himself as his own witness.

6. According to learned counsel for the petitioner thereafter the jail authorities did not produce the petitioner before the learned trial Court and on 30.07.2025 when the petitioner was produced before the learned trial Court it was already 4.30 P.M. As per learned counsel for the petitioner at 4.30 P.M. it was not possible for the petitioner to examine himself or produce any witness, and therefore, learned trial Court should have adjourn the case. But instead of doing so, the learned trial Court closed the defence evidence by Court order. The learned counsel for the petitioner has further argued that due to above mentioned order, valuable rights of the petitioner, to defend himself, have been



scuttled. As per learned counsel for the petitioner the impugned order is not sustainable in the eyes of law, hence the present petition.

7. Per contra, learned State counsel has argued that the petitioner himself is responsible for the delay in the above mentioned trial, and that ample opportunities, i.e. more than 10 opportunities, had been afforded to the petitioner to complete his defence evidence but he adopted the delaying tactics and therefore, the learned trial Court was left with no option but to exercise its discretion and close the evidence of the petitioner by Court order. While defending the impugned order, the learned State counsel has argued that sole motive behind the filing of present petition is to delay the trial and that intentions of the petitioner being *mala fide*, the petition deserves dismissal.

8. The record has been perused carefully.

9. A perusal of record shows that the learned trial Court recorded the statement of accused under Section 313 Cr.P.C. on 04.11.2024 and fixed the case for defence evidence. Thereafter, more than 10 opportunities were afforded to the petitioner but only 3 witnesses were examined in his defence. The record further reveals that vide order dated 01.05.2025, the petitioner was allowed to examine himself as his own witness in view of Section 315 Cr.P.C, but thereafter on number of occasions he was not produced by the jail authorities before the learned trial Court. In such eventuality on 30.07.2025 when the accused was produced before the learned trial Court, after a long gap, the learned trial Court proceeded to close the evidence of the petitioner.



10. The above mentioned chronology of events pertaining to the present case shows that number of opportunities were afforded to the petitioner to lead defence evidence. But this fact cannot be ignored that before closure of evidence of petitioner at least his statement, as allowed by virtue of order dated 01.05.2025, should have been recorded. Even otherwise, this is a settled principle of law that the right of defence of an accused is one of the most valuable right and if this right is denied to an accused it amounts to violation of his Fundamental Rights. In fact, denial of right of defence may vitiate the very purpose of fair trial.

11. In this regard the Hon'ble Supreme Court of India in the case of **Kalyani Baskar (Mrs) versus M.S.Sampoornam (Mrs) (13)**, has held that "the appellant cannot be convicted without an opportunity, being given to her, to present her evidence and if it is denied to her, there is no fair trial. "Fair trial" includes fair and proper opportunities allowed by law to prove her innocence, and that evidence in support of the defence is a valuable right. Denial of that right means denial of fair trial."

12. If the above discussed facts, pertaining to instant case, are analysed in the light of above mentioned legal proposition, it transpires that an error has been committed by the learned trial Court when it closed the defence evidence without recording the statement of petitioner, and denying him to lead defence evidence. In such circumstances, the present petition deserves to be allowed. Hence, the present petition is hereby allowed. The impugned order is hereby set aside. The learned trial Court is directed to afford opportunity to the



petitioner to get his statement recorded as his own witness, and also to examine witnesses in his defence. However, in view of the fact that the case is already an old case and ample opportunities were provided to the petitioner to conclude his evidence, the opportunities to lead defence evidence are restricted to two effective opportunities only. It is also made clear that whatever the defence evidence petitioner wants to produce, he would do that at his own responsibility.

13. The petition stands allowed accordingly.

(SURYA PARTAP SINGH)
JUDGE

26.08.2025
Manoj Bhutani

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