



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

CRM-M-48288-2025
Date of decision: 18.11.2025

KURUKSHETRA UNIVERSITY, KURUKSHETRA

...PETITIONER

V/S

NAUSHAD ALI

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. A.S. Virk, Advocate for the petitioner.

SUBHAS MEHLA, J. (ORAL)

1. Present petition has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for quashing the summons issued to the witnesses i.e. official concerned of establishment branch (T), KUK and official concerned of construction branch of KUK in a criminal complaint bearing COMI No.95 of 2025 titled as '*Naushad Ali vs. Pankaj Sharma and others*' to produce the document on 30.08.2025.

2. Learned counsel for the petitioner contended that the witnesses, who are summoned in the aforementioned case, have no concern with the case filed by the respondent; respondent is contractor of maintenance, renovation and painting etc. and had been awarded certain contracts by the petitioner and has no concern with the decision regarding the reinstatement of Mr. Pankaj Sharma, which falls under the administrative jurisdiction of petitioner, being the employer; summoning the record from the petitioner at a pre-cognizance stage is in nature of fishing and roving inquiry, as the complainant lacks the evidence required to support his claims; the record is irrelevant for the purpose of decision of the present complaint and petitioner has not been impleaded as



accused. As such, learned counsel prayed that the record be not summoned and the summons issued be quashed.

3. This Court has heard learned counsel for the petitioner at length.

4. As per the contentions of learned counsel for the petitioner, a complaint has been filed by Naushad Ali, which is pending before learned Judicial Magistrate Ist Class, Kurukshetra, wherein two employees of the petitioner were directed to produce the record pertaining to service of employee-Pankaj Sharma as well as pending bill of contractor/complainant-Naushad Ali. This Court does not find favour with the contentions of learned counsel for the petitioner; it is the prerogative of the Court to exercise its power to summon witnesses or evidence for judicious appreciation of a complaint to decide whether it calls for taking cognizance or not; the petitioner has no *locus standi* to question the prerogative of the Court to summon evidence, which it deems relevant for the purpose of deciding the question of cognizance, hence, this Court finds no merit in the present petition and the same stands dismissed accordingly.

November 18, 2025
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(SUBHAS MEHLA)
JUDGE

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