



122 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 18.02.2026

1. CRM-M-10473-2021

BIRU

...PETITIONER

V/S

RAKESH KUMAR

...RESPONDENT

2. CRM-M-10532-2021

BIRU

...PETITIONER

V/S

EDEN GARDEN HOSPITALITY SERVICES AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Tanmoy Gupta, Advocate
for the petitioner.

Mr. Kunal Dawar, Senior Advocate with
Mr. Mayank Aggarwal, Advocate and
Mr. Jagjot Singh, Advocate for respondent(s)

SUBHAS MEHLA, J. (ORAL)

1. This order shall dispose of the above-mentioned petitions as parties to the *lis* are same in both the cases. For the sake of brevity, facts are borrowed from **CRM-M-10473-2021** titled as ***Biru vs. Rakesh Kumar***.

2. Present petitions have been filed under Section 482 Cr.P.C. for quashing the impugned order dated 09.03.2020 (Annexure P-4) passed by learned Judicial Magistrate Ist Class, Gurugram in complaint cases bearing Nos.NIA-7353 & 7355 of 2017 dated 31.05.2017, whereby, an application



dated 18.02.2020 (Annexure P-2) filed by the petitioner under Section 311 Cr.P.C. for examination of handwriting expert has been dismissed.

3. Learned counsel for the petitioner submitted that the handwriting expert, who has been examined by the respondent in his defence evidence, has not covered the whole facts and concealed some points regarding the signatures deliberately. Learned counsel prayed that the complainant/petitioner wants to re-examine the signatures and fingerprints of the respondent, namely, Rakesh through his expert to bring the concealed facts on record.

4. Mr. Jagjot Singh, Advocate has put in appearance on behalf of respondent(s) and filed his power of attorneys in both cases. The same are taken on record. Learned senior counsel for the respondent(s) submitted that handwriting expert, examined as defence witness, has tendered a very extensive, elaborate, comprehensive and well-reasoned report after examining the disputed material very minutely. Further, the said witness was thoroughly cross-examined by the counsel for the complainant assisted by another expert Sh. Vijay Rustagi, hence, the prayer for re-examining the signatures and fingerprints of respondent through the expert of complainant is baseless. As such, learned counsel prayed for dismissal of the present petition.

5. Heard learned counsel for the parties and perused the record.

6. Handwriting expert has already been examined by respondent and he has also been cross-examined by complainant/petitioner(s); the defence evidence has already been closed; no cogent or compelling ground has been stated by the petitioner(s) for summoning the said witness and no satisfying explanation has been given by the petitioner(s) to summon the said witness at the stage of final arguments before the trial Court. Discretionary power under



Section 311 Cr.P.C. is to be exercised sparingly, only to meet the ends of justice and the case in hand does not deserve the invocation of such powers.

7. In view of the above, this Court finds no ground in the present petitions and the same stand dismissed accordingly.

8. Nothing observed hereinabove shall be construed as an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

9. A photocopy of this order be placed on the file of other connected case.

February 18, 2026
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(SUBHAS MEHLA)
JUDGE

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