



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

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CRM-M-10696-2026 (O&M)
Date of Decision:- 12.03.2026

Parveen Sharma		... Petitioner
	Versus	
Aditya Verma		... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. Present petition has been filed by the petitioner under Section 528 of BNSS for quashing/modification of impugne order dated 07.11.2025 passed by learned Judicial Magistrate Ist Class, Jalandhar (Annexure P-5), vide which the application under Section 348 of BNSS filed by the petitioner was partly allowed in a criminal complaint bearing case No..NACT 2643/2020 dated 07.08.2020 titled ‘Parveen Sharma Vs. Aditya Verma’.
2. That during the pendency of the case, the petitioner filed an Application under Section 348 of BNSS to examine the concerned clerk from GST Department to produce the record regarding the firm M/s Verma Exports and further to examine the Clerk from PNB Bank to produce the account statement of complainant Parveen Sharma for account No.51172151005358. It is further submitted that the application is partly allowed qua examination of concerned clerk from PNB only. That the witness sought to be examined is necessary for just and proper adjudication of the case. In fact the petitioner wants to prove regular business transactions between the petitioner and the respondent and on account of which



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respondent was having liability towards the petitioner and in order to discharge the said liability, cheque in question was issued. Therefore, examination of this witness is utmost necessary for the effective adjudication of the case.

3. Heard and paper-book perused.

4. The object underlying Section 348 of BNSS is that there may not be failure of justice. The determinative factor for exercising such a discretionary power is whether it is essential to the just decision of the case or not. Summoning a witness under section 348 BNSS should not be a matter of course and the discretion given to the court has to be exercised judiciously to prevent failure of justice and not arbitrarily. Whether a person is required to be examined as a witness for a just decision is a question which has to be decided by the Court on the basis of the facts of that particular case.

In ***Manju Devi v State of Rajasthan, (2019) 6 SCC 203***, Hon'ble Apex Court emphasized that a discretionary power like Section 311. CrPC is to enable the Court to keep the record straight and to clear any ambiguity regarding the evidence, whilst also ensuring no prejudice is caused to anyone. A note of caution was sounded in ***Swapan Kumar Chatterjee v Central Bureau of Investigation, (2019) 14 SCC 328*** as under:

"11. It is well settled that the power conferred under Section 311 should be invoked by the court only to meet the ends of justice. The power is to be exercised only for strong and valid reasons and it should be exercised with great caution and circumspection. The court has vide power under this section to even recall witnesses for re-examination or further examination, necessary in the interest of justice, but the same has to be



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exercised after taking into consideration the facts and circumstances of each case. The power under this provision shall not be exercised if the court is of the view that the application has been filed as an abuse of the process of law."

5. Reverting to the factual matrix of the present case, petitioner raised the contentions that there were business relations between the parties and in that respect petitioner wanted to examine the concerned clerk of the GST department to show regular business transactions between both the parties, in order to depict the liability of the respondent towards the petitioner and in order to discharge the said liability, cheque in question was issued. But in the application filed under section 348 BNSS petitioner did not specify any reason as to for what purpose he wanted to examine witnesses. Moreover, on perusal of impugned complaint it is found that liability of the respondent is merely alleged to be in respect of friendly loan taken by him, there is no reference in respect of fact that dishonoured cheque was issued in respect of liability arising out of business transactions.

6. Under the peculiar facts of the present case, the impugned order deciding the application of petitioner for summoning the proposed witness under Section 348 BNSS does not suffer any illegality or infirmity. Ergo, in view the above discussion, the present petition is hereby dismissed.

12.03.2026
Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No