



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-13467 of 2026

Date of Decision: 12.03.2026

M/s Shri Balaji Multimetals Private Limited

... Petitioner(s)

Versus

Vijay Aggarwal and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Bhriagu Agnihotri, Advocate
for the petitioner(s).

Surya Partap Singh, J.

1. The extraordinary jurisdiction, vested in this court by virtue of Section 528 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023', has been invoked by virtue of present petition. Vide abovesaid petition the quashing of order dated 08.09.2025 passed by the court of learned Judicial Magistrate 1st Class, Ludhiana, has been sought

2. The learned Judicial Magistrate 1st Class, Ludhiana, hereinafter being referred to as "trial Court", during the course of trial for the commission of offence punishable under Section 138 of 'the Negotiable Instruments Act 1881', filed by the petitioner/complainant, hereinafter being referred to as "petitioner" only, has passed the order dated 08.09.2025, hereinafter being referred to as "the impugned order" only.

3. By virtue of impugned order the learned trial Court has closed the opportunity of petitioner to tender certificate under Section 63 of 'the Bharatiya Sakshya Adhiniyam, 2023', hereinafter being referred to as

"BSA". The above-mentioned order has been passed in the backdrop of the

fact that the learned trial Court had accorded permission to the petitioner to tender the certificate under Section 63 of BSA, by the petitioner. In addition to above the case was also fixed for cross-examination of the petitioner. However, on that day the petitioner, on the pretext of suffering from viral fever, neither tendered the above-mentioned document nor appeared before the learned trial Court for cross-examination. In the above-mentioned circumstances the learned trial Court while declining the application of petitioner for exemption, closed the above-mentioned opportunity.

4. Heard.

5. It has been contended by learned counsel for the petitioner that the petitioner could not appear before the learned trial Court on 08.09.2025 on account of unavoidable circumstances, and that an application seeking for exemption was moved by the petitioner but the same was declined. While claiming that the impugned order is harsh, and that it will adversely affect the valuable right of the petitioner, the learned counsel for the petitioner has requested for setting aside of impugned order. He has prayed for one opportunity to produce the document and conclude the evidence.

6. The record has been perused carefully.

7. A perusal of the record shows that the present petition pertains to a case which is already almost nine years old. Although the contents of impugned order shows that by virtue of above-mentioned impugned order the opportunity of petitioner to produce the certificate under Section 63 of BSA and get his cross-examination, by the accused completed, was closed, yet the same cannot be treated to be harsh in the backdrop of other facts related to this case. In the instant case this fact cannot be ignored that the

purpose of any trial is to dispense justice and in the present case due to delay in decision of the case, if any loss is caused it has been caused to the petitioner only. It is an admitted fact that in the present case valuable rights of the petitioner are involved and if those rights are denied to the petitioner he may suffer an irreparable loss.

8. Therefore, taking into consideration the totality of all the circumstances, it is hereby observed that ends of justice would be served if one more opportunity is afforded to the petitioner to tender the document and present himself for cross-examination. However, for the above mentioned liberty the petitioner will have to compensate the respondent, and in the given fact-situation ₹25,000/- as costs will be appropriate to compensate the respondents.

9. As sequel to above-mentioned observations, the present petition is hereby **allowed**. By setting aside the impugned order, the learned trial Court is directed to provide one effective opportunity to the petitioner to tender the certificate under Section 63 of BSA and also get his cross-examination completed. The petitioner shall pay cost of ₹25,000/- to the respondents.

10. Since the present petition has been allowed without issuing any notice to the respondents, they shall be at liberty to approach this Court by filing an application to recall the instant order, if so advised.

(Surya Partap Singh)
Judge

March 12, 2026

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No