



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

176

CRM-M-13641-2026

Date of Decision : 16.03.2026

SONIA KALSI AND ANOTHER

...Petitioner

VERSUS

DEEPAK

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Ketan Chopra, Advocate
for the petitioner.

AARADHNA SAWHNEY, J. (ORAL)

1. Challenge in the present petition is to order dated 05.02.2026 (Annexure P-6) passed by the learned Additional Chief Judicial Magistrate, Jagadhri, vide which an application filed by respondent/complainant for leading secondary evidence was allowed in complaint case bearing COMI No.262 of 2017 dated 13.12.2017 titled "*Deepak Vs. Sonia Kasli and another*".

2. Relvant facts as emerging from the documents on record be noticed hereinbelow:-

On 29.04.2017, petitioner No.1 entered into an agreement to sell with respondent, in respect of a piece of land, for a total sale consideration of Rs.12 lakhs. Parties had agreed that sale deed would be executed on 01.09.2017. Petitioner alleged that respondent did not abide by his contractual obligation and was not present before the Sub Registrar on the date fixed for execution of the sale deed. Respondent, also alleged that at an earlier point in time, an agreement



to sell had also been executed by petitioner with one Vinod Kumar s/o Sulekh Chand. Some earnest money was allegedly received from Vinod Kumar, though no date for execution of the sale deed was fixed. On the basis of agreement to sell in his favour, Vinod Kumar further executed an agreement to sell with Vinod Tayagi and Surender Pal on 17.10.2006 and received Rs.1 lakh as earnest money out of the total sale consideration of Rs.6 lakhs. Aforesaid Vinod Tayagi and Surender Pal issued legal notice to petitioner No.1 and Vinod Kumar, asking them to execute the sale deed in their favour. Respondent alleged that petitioners in criminal conspiracy and with a mala fide intention concealed material facts with an intention to deceive him and knowingly entered into an agreement to sell with him on 29.04.2017. After the preliminary evidence was led by respondent, petitioners were summoned by the learned Judicial Magistrate Ist Class, Yamuna Nagar, Jagadhri, vide order dated 11.11.2024 to face trial u/s 420, 406 and 120-B IPC.

Petitioners have filed a petition seeking quashing of the aforesaid criminal complaint and have also assailed the summoning order before this Court, which is pending adjudication.

3. Learned counsel for the petitioner contends that during the course of pendency of the aforesaid criminal complaint, respondent moved an application seeking permission of the Court to tender Agreement to Sell dated 29.04.2017, executed in his favour, as '*Secondary Evidence*', alleging therein that the original Agreement to Sell had been lost and is not traceable despite due diligence. Detailed reply opposing the said application was filed by the present petitioners (accused in the said complaint) pointing therein that complainant (respondent herein) has procured forged and fabricated documents and intentionally wants to



place the said document knowingly fully well that it would be impossible to prove whether the said document is forged or fabricated. The said application was disposed of by the learned Additional Chief Judicial Magistrate, Jagadhri in following terms:-

“Exemption application of complainant allowed for today only, however, accused is directed to appear before the court on the next date of hearing.

*Arguments heard on the application for permission to tender the agreement to sell dated 29.04.2017 as secondary evidence. In the interest of justice, the application stands allowed. Now to come up on **18.02.2026** for tendering agreement to sell dated 29.04.2017 as secondary evidence as well as for evidence of complainant.”*

4. A perusal of the aforesaid order, as per learned counsel reveals that learned ACJM disposed of the matter without assigning adequate reasons and without dealing with the pleas raised by both the parties. Learned counsel thus, prays that the impugned order dated 05.02.2026 (Annexure P-6) be set aside/modified.

5. Heard. Documents on record perused.

6. It is settled principle of law that detailed well reasoned speaking order, accepting/denying the pleas raised by any of the parties is an essential facet of principle of natural justice.

Hon’ble Supreme Court in case titled ***M/s Kranti Associates Pvt. Ltd. & another Vs. Massod Ahmed Khan and others*** (2010(9) SCC 496), held that the requirement of recording reasons is an indispensable part of decision making process.



As noticed above, learned ACJM did not record any reason on the basis of which the application moved by the respondent was allowed. The order being non-speaking is therefore unsustainable in law. Resultantly, the present petition is allowed, impugned order dated 05.02.2026 (Annexure P-6) is set aside and the matter is remanded back with a direction to the learned ACJM, Jagadhri to decide the application afresh after granting the adequate opportunity of hearing to both the parties by passing a well reasoned speaking order, in accordance with law, expeditiously. Parties are also directed to appear before the Court concerned on the next date of hearing.

(AARADHNA SAWHNEY)
JUDGE

16.03.2026

Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>