



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

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**CRM-M-15712-2026 (O&M)
Date of Decision : 23.03.2026**

Sh. Ajeet Singh Yadav

...Petitioner

VERSUS

Bijender

...Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Suinder K. Daaria, Advocate for the petitioner.

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MANDEEP PANNU J. (Oral)

1. That the present petition has been filed under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (corresponding to Section 482 Cr.P.C.) for quashing of the impugned order dated 20.01.2026 (P-2) passed by the Court of Ld. Sh. Vikas Yadav, Judicial Magistrate 1st Class, Gurugram in NACT No. 51415-2019 dated 05.11.2019, under Section 138 of the Negotiable Instruments Act, titled as “*Bijender vs. Ajeet Singh Yadav*”, whereby the petitioner has been denied an effective opportunity to cross-examine the respondent/complainant namely Bijender, in the interest of justice.

2. The complainant/respondent herein had filed a complaint bearing NACT No. 51415-2019 dated 05.11.2019 under Section 138 of the Negotiable Instruments Act titled as ‘*Bijender vs. Ajeet Singh Yadav*’ before the learned Trial Court at Gurugram. The petitioner/accused was appearing in the said proceedings. It is borne out from the record that an application

under Section 145(2) of the N.I. Act was allowed on 21.08.2024 and the petitioner was granted opportunity to cross-examine the complainant. However, despite several opportunities granted on 02.12.2024, 26.05.2025, 28.07.2025 and 15.10.2025, the petitioner failed to cross-examine the complainant. Even on the subsequent date, neither the petitioner nor his counsel appeared, and the learned Trial Court, observing that the accused was intentionally delaying the proceedings and noting that cost had already been imposed on 04.04.2025, proceeded to close the evidence of the complainant vide impugned order dated 20.01.2026 and adjourned the matter for defence evidence/arguments.

3. The petitioner has filed the present petition under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 for quashing of the impugned order dated 20.01.2026 passed by the learned Judicial Magistrate 1st Class, Gurugram, primarily on the ground that the petitioner has been deprived of an effective opportunity to cross-examine the complainant, which is a valuable right, and that the non-appearance on the relevant dates was neither intentional nor deliberate but due to bona fide circumstances.

4. Learned counsel for the petitioner submits that closure of the right to cross-examine has caused serious prejudice to the defence of the petitioner and amounts to denial of fair trial. It is contended that one final opportunity may be granted to the petitioner to cross-examine the complainant in the interest of justice, subject to any condition that this Court may deem fit.

5. Service of the respondent is dispensed with as only a short question is involved and no prejudice would be caused to the respondent.

6. Having heard learned counsel for the petitioner and perused the record, this Court is of the considered view that though the conduct of the petitioner shows negligence in not availing the opportunities granted by the learned Trial Court, yet the right to cross-examine a witness is a valuable and substantive right, and denial thereof may result in failure of justice. The object of criminal trial is to arrive at the truth and to ensure a fair opportunity to both sides. At the same time, the conduct of the petitioner in delaying the proceedings cannot be overlooked and deserves to be suitably compensated.

7. In the interest of natural justice and to balance the rights of both the parties, this Court deems it appropriate to grant one last and effective opportunity to the petitioner to cross-examine the complainant.

8. Accordingly, the present petition is allowed. The impugned order dated 20.01.2026 is set aside to the limited extent that the petitioner/accused is granted one effective opportunity to cross-examine the complainant, subject to payment of costs of Rs. 5,000/- to be paid to the complainant before the learned Trial Court on the next date of hearing. It is made clear that no further opportunity shall be granted and in case of default, the order of the learned Trial Court shall revive automatically.

9. Pending application(s), if any, is/are disposed of.

March 23, 2026
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No