



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

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CRM-M-15082-2026 (O&M)
Date of Decision:- 20.03.2026

Karnail Singh (Since deceased) through his LR ... Petitioner

Versus

Balwinder Singh and others ... Respondents

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Arjun Veer Sharma, Advocate,
for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. Present petition has been filed by the petitioner under Section 528 of BNSS, 2023 for quashing of impugned order dated 29.01.2026 passed by learned Sub Divisional Judicial Magistrate, Khadur Sahib, District Tarn Taran in case bearing No.COMI-25-2021 dated 12.05.2017 registered under Sections 406, 420, 465, 467, 468, 471, 120-B and 34 of IPC, vide which application dated 06.11.2025 for summoning of prosecution witnesses has been dismissed.

2. Learned counsel for the petitioner submitted that the petitioner approached the Court of learned Sub Divisional Judicial Magistrate by filing application under Section 156(3) Cr.P.C., which was later treated as a private complaint. After preliminary evidence, certain accused were summoned by the trial Court. During the course of trial, material evidence surfaced revealing serious discrepancies in the execution of sale deed including



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(2)

admissions by marginal witnesses and statements made by accused themselves during civil proceedings. Thereafter, the petitioner move an applicaiton under Section 311 Cr.P.C. seeking summoning of relevant witnesses, same was dismissed. Learned counsel placed reliance upon judgments of Hon'ble Supreme Court passed in case '**Varsha Garg Vs. The State of Madhya Pradesh and others**', **Criminal Appeal No.1021 of 2022, decided on 08.08.2022** and '**V.N. Patil vs. K. Niranjan Kumar and others**', **Criminal Appeal No.267 of 2021 decided on 04.03.2021**.

3. This Court has heard learned counsel for the petitioner and perused the impugned order passed by learned Sub Divisional Judicial Magistrate, Khadur Sahib, operative part of which is reproduced as under:

“Perusal of file reveals that by way of this application the complainant wants to examine the witnesses i.e. Forensic/Handwriting Expert, Managers of PNB, HDFC, YES Bank, PADB and concerned clerk of DTO Office, District Administration Complex, Harike Road, Tarn Taran Sukhwinder Singh son of Mukhtiar Singh to support and corroborated the version of complainant. Perusal of file futher reveals that precharge evidence of the complainant was closed by order of dated 28.07.2025 and thereafter the complainant approach the Hon'ble High Court of Punjab and Haryana and vie order dated 11.08.2025 passed by the Hon'ble High Court of Punjab and Haryana only one effective opportunity was given which the complainant had already availed and thereafter present complainant is adjourned for cross examination of complainant witnesses by the defence and now at ths stage the present application has been filed, which is not maintainable because the complainant had already given sufficient time to prove his



complaint and moreover, these witnesses were also not cited in the list of witnesses which is to be provided at the time of filing of the complaint. Although, the law of Us/311 is very vide but at the same time the complainant had already availed opportunity and moreover his evidence was closed by order and one opportunity was give by the Hon'ble High Court of Punjab and Haryana which had been exhausted by the complainant, accordingly, this application is declined.”

4. Perusal of the impugned order depicts that petitioner had earlier approached this Court whereby only one opportunity was granted to petitioner to adduce evidence. However, despite exhausting such opportunity, petitioner failed to examine the proposed witnesses. Moreover, the names of the proposed witnesses were not mentioned in the list of witnesses filed at the time of filing of complaint.

5. In view of the above, this Court finds no merits to interfere in the impugned order passed by learned Sub Divisional Judicial Magistrate. Ergo, the present petition is dismissed.

20.03.2026
Geeta

(SUBHAS MEHLA)
JUDGE

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