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02

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

CRM-M-17520-2022

Reserved on: 13.03.2026.

Pronounced on: 23.03.2026

ADITYA CHOPRA

..... PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Gagan Oberoi, Advocate
for the petitioner (through V.C.).

Mr. Surinderjit Singh Nahar, Assistant A.G. Punjab.

Mr. Harsh Aggarwal, Advocate &
Mr. Anshul Sharma, Advocate
for respondent No.2.

SURYA PARTAP SINGH. J.

1. By virtue of this petition, filed by the petitioner under Section 482 of Code of Criminal Procedure Code, the quashing/modification of orders dated 25.03.2022 and dated 08.04.2022 has been sought.

2. In nut-shell the facts emerging from record are that the petitioner has filed a complaint against the respondent No.2 for the commission of offence punishable under Sections 419, 420, 467, 471 of Indian Penal Code and in the above-mentioned complaint on appreciation of preliminary evidence the respondent No.2 has been summoned as an accused and therefore, he is facing trial for the same. In the above-mentioned complaint by virtue of order dated



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08.04.2022, the learned trial Court adjourned the case to 29.04.2022 with a direction that no further opportunity would be afforded to the petitioner to lead his evidence after 29.04.2022. The petitioner is aggrieved of the above-mentioned order.

3. Heard.

4. It has been contended by learned counsel for the petitioner that in the present case an error of judgment has been committed by the learned trial Court, while passing the impugned order. According to learned counsel for the petitioner earlier also i.e. vide order dated 29.10.2021, the learned trial Court had accorded final opportunity to the petitioner to lead his entire evidence, and that the above-mentioned order was challenged before this Court, in CRM-M-50227-2021, and that vide order dated 01.12.2021, this Court had set aside the order dated 29.10.2021 and accorded four effective opportunities to the petitioner to lead his entire evidence. According to learned counsel for the petitioner the above-mentioned four effective opportunities have not been accorded, to the petitioner, by the learned trial Court, and vide order dated 08.04.2022 a direction has been issued that no further opportunity shall be given to the petitioner to lead his evidence after 29.04.2022. With regard to above, the learned counsel for the petitioner has contended that an error has been committed by the learned trial Court in counting the actual opportunities afforded to the petitioner, and therefore, there is need for exercise of extraordinary jurisdiction of this Court.

5. The learned counsel for the petitioner has further observed that if appropriate opportunity is not given to the petitioner to lead his evidence, the petitioner is likely to suffer irreparable loss and grave injustice. As per learned



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counsel for the petitioner, such denial shall frustrate the very purpose of the trial.

6. The learned counsel for the respondent No.2 has controverted the above-mentioned arguments. While referring to the order dated 02.12.2021, 21.12.2021, 23.12.2021, 21.01.2022, 07.03.2022, 15.03.2022, 25.03.2022 and 08.04.2022, the learned counsel for the respondent No.2 has contended that in compliance with order dated 01.12.2021 adequate effective opportunities, i.e. three opportunities have already been afforded to the petitioner, and therefore, the present petition is devoid of merit and deserves dismissal.

7. The record has been perused carefully.

8. In the present case, the copies of each and every order passed by the learned trial Court has been placed on record by the petitioner. The chronology of events which unfolded in the present case are as under:-

02.12.2021	One witness, i.e. PW-4, was present. His examination-in-chief was recorded but cross-examination was deferred.
21.12.2021	PW-4 was present but his cross-examination was not recorded, as adjournments was sought on the ground of chances of compromise.
23.12.2021	Adjournment was again sought for exploring the possibility of compromise.
21.01.2022	On account of order of learned District Judge for restrictive functioning due to resurgence of Pandemic Covid-19 the case was adjourned.



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07.03.2022 The cross-examination of PW-4 was completed. Since no other of the complainant witness was present, the case was adjourned.

15.03.2022 No witness of the complainant was present and the case was adjourned.

25.03.2022 Two witnesses were present but could not be examined as they had not brought the summoned record. They had requested for adjournment. In addition to above, the Manager of Punjab National Bank also failed to produce the record, as the same belonged to another branch.

08.04.2022 Two witnesses namely Sheesh Pal and Aditya Chopra were present. A part of their examination-in-chief was recorded and further examination-in-chief was deferred for want of record.

9. The above-mentioned chronology of events shows that there were only two occasions when the case was adjourned on the request of the petitioner, i.e. 07.03.2021 and 15.03.2022. On rest of the occasions the adjournment in the case was not on account of any lapse or the request of the petitioner. Thus, it is hereby observed that in the present case, the petitioner has been accorded only two effective opportunities by the learned trial Court, and therefore, for the compliance of order dated 01.12.2021, the learned trial Court is bound to provide two more effective opportunities to the petitioner.

10. With the above-mentioned observations, the present petition is hereby partly allowed, and order dated 25.03.2022 and order dated 08.04.2022



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are hereby partly set aside by observing that only two effective opportunities have been accorded to the petitioner, and therefore, he can avail remaining two opportunities to conclude his evidence. The learned trial Court is duty bound to provide such opportunities to the petitioner.

11. With regard to second prayer, there is no need of any finding in this petition, as to procuring the presence of witness in the Court, the procedural law equips the learned trial Court with ample authority. The learned trial Court is expected to exercise the same, as per law.

12. With the above-mentioned observations, the present petition stands **allowed partly**, i.e. in terms of above-mentioned observation.

(SURYA PARTAP SINGH)
JUDGE

23.03.2026
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Whether speaking/reasoned	:	Yes
Whether Reportable	:	No