



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

164

CRM-M-16203-2026 (O&M)

Date of Decision :25.03.2026

Darshan Singh

.....Petitioner

Versus

Joginder Singh

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

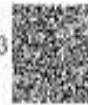
Present : Mr. Raghav Sharma, Advocate for the petitioner.

SURYA PARTAP SINGH, J. (Oral):

This petition seeking for quashing of order dated 26.09.2025 has been filed by the petitioner, who is facing a trial for the commission of offence punishable under Section 138 of Negotiable Instruments Act 1881, hereinafter being referred to as 'NI Act' only. It has been alleged by the petitioner that during the course of trial on 28.04.2025, when the impugned order was passed, due to some mis-communication by the learned counsel for the complainant, the learned counsel for the petitioner could not cross-examine the complainant whose examination-in-chief has already been recorded as CW-1. According to petitioner, in such circumstances, without giving an opportunity for further cross-examination of CW-1 the learned trial Court closed the opportunity of the petitioner to cross-examine CW-1 and passed an order for recording of statement under Section 313 Cr.P.C.

2. Heard.

3. It has been contended by learned counsel for the petitioner that a valuable right of the petitioner had been taken away by virtue of above



mentioned order, and that with regard to permission to cross-examine CW-1 an application under Section 348 of 'Bharatiya Nagrik Suraksha Sanhita 2023', was filed by the petitioner, but the same did not find favour before the trial Court and the revision filed against the above mentioned order has been dismissed being not maintainable.

4. The record has been perused carefully.

5. Although, in the present case there appears to be not justified reasons behind the lapse of petitioner whose counsel did not cross-examine the CW-1 on 28.04.2025, yet, in view of the fact that right of defence is a valuable right of the petitioner-accused and if such right is denied to him it may result into miscarriage of justice, in the interest of justice one more opportunity is afforded to the petitioner to cross-examine the CW-1. However, it shall be subject to payment of cost of Rs.75,000/- as cost. The cost shall be paid by way of demand draft in the name of respondent-complainant on the next date of hearing. Once the cost is paid one opportunity, only, would be afforded to the petitioner to cross-examine the CW-1.

6. In view of above mentioned observations the petition is hereby **disposed of**. Needless to say that since the present order has been passed in the absence of respondent-complainant, he will have the liberty to approach this Court for withdrawal of abovesaid order.

(SURYA PARTAP SINGH)
JUDGE

25.03.2026

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No