



CRM-M-16395-2026 (O&M) -1-

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

137

**CRM-M-16395-2026 (O&M)
Decided on: 27.03.2026**

JAGDISH KUMAR ARORA**.....Petitioner**

Versus

PREM KALA AND OTHERS**.....Respondents****CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr. Amit Jain, Advocate for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of order dated 18.12.2025 (Annexure P-3) passed by Judicial Magistrate First Class, Gurugram, in Criminal Complaint NACT No. 34825 of 2019 (CIS No. NACT/34825/2019) titled as “Prem Kala vs. M/s. Arora Footwears and others” whereby evidence of petitioner was closed and an application filed under Section 311 Criminal Procedure Code to recall the witness for cross-examination was dismissed.

2. Learned counsel for the petitioner contended that vide order dated 18.12.2025 (Annexure P-3), the trial Court closed the opportunity of the petitioner to cross examine the defence witness i.e. DW1 Jagdish Kumar on the ground that several opportunities have been granted without considering the fact that the main counsel was not available owing to health issue. It is further contended that fault, if any, cannot be attributed entirely on the petitioner as on a few occasions, the complainant sought adjournment or could not come present due to some unavoidable circumstances and consequently, evidence of the petitioner was closed. However, the petitioner filed an application under Section



CRM-M-16395-2026 (O&M) -2-

311 Cr.P.C. before the trial Court which was also dismissed vide order dated 18.02.2026 (Annexure P-6). It is further contended that the petitioner will suffer consequences if DW1 is not allowed to be cross-examined and as such, prays for one opportunity to cross-examine DW1-Jagdish Kumar.

3. The nature of order this Court proposes to pass, no notice is required to be issued to the respondent.

4. Heard and paper book perused.

5. Keeping in view the facts and circumstances of the present case and the fact that for fair and equitable justice and further in view of limited prayer made on behalf of the petitioner to give one effective opportunity to cross examine the defence witness, as such, orders dated 18.12.2025 (Annexure P-3) and 18.02.2026 (Annexure P-6) are set aside and only one effective opportunity is granted to the petitioner to cross examine defence witness namely Jagdish Kumar, subject to payment of Rs.10,000/- as cost, (Rs. 5,000/- to be paid to the complainant & Rs.5,000/- to be deposited with District Legal Services Authority (DLSA), concerned).

It is also made clear that the petitioner shall not seek unnecessary adjournment to delay the proceedings.

6. Accordingly, the present petition stands **disposed of**.

(SUBHAS MEHLA)
JUDGE

27.03.2026
Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO