

2026:PHHC:053043

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

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CRM-M-18769-2026(O&M)

Date of Decision: 07.04.2026

Manjit Singh Bhatia

....Petitioner(s)

Versus

Harpreet Singh Bhatia

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Jasraj Singh, Advocate, for the petitioner.

AMAN CHAUDHARY, J. (Oral)

1. The present petition arises out of the impugned order dated 22.01.2026 passed by the Ld. JMIC, Ludhiana, whereby application moved by the respondent-complainant seeking amendment of his complaint under Section 138 of Negotiable Instruments Act, 1881 and affidavit has been allowed as also the order dated 27.02.2026 whereby cross-examination of the respondent/complainant has been ordered to be treated as Nil.

2. Learned counsel restricts his prayer only for setting aside the order dated 27.02.2026 by which cross-examination of CW-1 has been treated as Nil, after the amendment of the complaint was allowed vide order dated 22.01.2026, Annexure P6, wherein there was a change of date of withdrawal of the amount from 05.04.2022 to 05.04.2021. The petitioner is therefore seeking one effective opportunity to cross-examine CW-1.

3. Heard

4. Fair trial is the main object of criminal procedure, and it is the duty of the Court to ensure that such fairness is not hampered or threatened in any manner. It entails the interests of the accused, the victim and of the society, and therefore, also includes the grant of proper opportunities to the person concerned, and the same must be ensured as this is a constitutional, as well as a human right. Thus, under no circumstances can it be jeopardised. Adducing evidence in support of the defence is a valuable right. Denial of such right would amount to the denial thereof. Thus, it is essential that the rules of procedure that have been designed to ensure justice are scrupulously followed, and the Court must be zealous in ensuring that there is no breach of the same.[See **Natasha Singh vs. CBI (State)** 2013 Cr.L.R.(SC) 582].

5. In a case where the right of the accused to cross examine the Investigating Officer was closed, Madhya Pradesh High Court in **Shyam Premchandani vs. State of Madhya Pradesh**, CRR-905-2025, dated 07.05.2025, to which no challenge was made, while granting him one opportunity to do so, had observed that, “The right to fair trial is one of the fundamental guarantee of the rule of law, aimed at ensuring administration of justice. Fair trial includes fair and proper opportunities allowed by law to prove defence by cross examination of prosecution witness. Denial of adequate opportunity to cross-examine a material prosecution witness may seriously prejudice the right to defend of the accused...”

6. The duty of the Court is to ensure that full and material facts are brought on record so that there might not be miscarriage of justice. The

opportunity of cross-examining the witnesses is essential for the just decision of the case and denial of such right results in serious prejudice and violation of fair trial. The accused cannot be deprived of the opportunity to test the veracity of the complainant’s evidence, particularly in proceedings under Section 138 of the Negotiable Instruments Act, wherein the complaint also stands amended. This ought to have weighed with the Court but apparently it did not. Procedure, being the handmaiden of justice, must operate to advance a fair and complete adjudication and not restrict it.

7. In view of the above, present petition is disposed of and the order dated 27.02.2026 is hereby set aside. The petitioner is granted one effective opportunity to cross-examine the complainant on the next date of hearing fixed before the learned trial Court, which shall proceed with the matter in accordance with law.

(AMAN CHAUDHARY)
JUDGE

07.04.2026
ashok

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No