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

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Date of decision : 27.04.2026

DEEPAK CHOPRA AND ORS

... PETITIONERS

Versus

TAMANNA GUPTA

... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Ravi Singh, Advocate
for the petitioners.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 482 Cr.P.C./528 of BNSS, 2023 for quashing of the order dated 10.04.2026 (Annexure P-8), whereby the application filed by the petitioners under Section 348 BNSS (corresponding to Section 311 Cr.P.C.) seeking recalling of CW-1 for further cross-examination in complaint No.NACT/4921/2020 titled as '*Tamanna Gupta versus Deepak Chopra & others*' filed under Sections 138/142 of the Negotiable Instruments Act, 1881 (hereinafter referred as 'the Act') was dismissed.

2. The case of the prosecution is that the respondent/complainant filed a complaint under Sections 138/142 of the Act alleging that petitioner No.1 was having friendly relations with the complainant's family and had taken various friendly loans from time to time. Petitioner No.1, in order to discharge



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his outstanding liability, issued three cheques total amounting to Rs.45 lakhs. However, upon presentation, the cheques were dishonoured with the remarks “funds insufficient” and “payment stopped by drawer”. Thereafter, the complaint was filed against the petitioners and they were summoned to face trial. After closure of the complainant’s evidence, the petitioners moved an application under Section 348 BNSS (corresponding to Section 311 Cr.P.C.) seeking recalling of CW-1 for further cross-examination, which was dismissed by the learned trial Court vide order dated 10.04.2026 (Annexure P-8).

3. Learned counsel for the petitioners submits that the trial Court has passed the impugned order (Annexure P-8) without appreciating the fact that the previously engaged counsel on behalf of the petitioners has left over certain material questions remained to be put to CW-1. It is submitted that the petitioners want to question CW-1, who is father of the complainant as well as power of attorney-holder on her behalf with regard to his competence to advance the alleged loan and whether he possessed any valid money lending licence. It is further submitted that recall of the witness was necessary for a just decision of the case and denial thereof has caused prejudice to the defence of the petitioners.

4. I have heard learned counsel for the parties and perused the material available on record.

5. It is apparent that the complaint under Section 138 of the Act is still pending adjudication before the learned trial Court. The plea raised by the petitioners regarding absence of money lending licence or competence to advance the loan can be established by leading cogent evidence at the



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appropriate stage. In the present case, mere omission to put certain questions during cross-examination does not make out a sufficient ground for recalling of a witness.

6. In view of the above, this Court does not find any illegality or perversity in the impugned order warranting interference in exercise of the inherent jurisdiction of this Court.

7. Consequently, the present petition is dismissed.

27.04.2026
Sonia

(H.S.GREWAL)
JUDGE

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