



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

136

CRM-M-26653-2026
Decided on : 20.05.2026

Anuj Thapar and another

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Jasleen Kaur, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. Petitioner has filed the present petition under Section 528 of the BNSS, 2023, seeking quashing of the order dated 17.12.2025 (Annexure P-6), passed by the learned JMIC, Ludhiana, in the case titled "*State v. Anuj Thapar*", bearing No. CHI/487/2020, arising out of FIR No.107 dated 15.05.2019, registered under Sections 420, 120-B and 506 IPC at Police Station Moti Nagar, District Ludhiana (Annexure P-5), whereby the applications filed under Section 311 Cr.P.C. (Annexures P-1 and P-2, respectively) by the petitioner for recalling complainant/PW-1 Shami Kapoor for further cross-examination, have been dismissed.

2. Learned counsel for the petitioner contends that since evidence of the complainant is still in progress and the remaining witnesses are not appearing despite issuance of bailable warrants on 05.05.2026, no prejudice would be caused to respondent No.2/complainant (PW-1 – Shami Kapoor), in case petitioner is granted one more opportunity to further cross-examine him, even subject to payment of costs.

3. Without expressing any opinion on the merits of the contentions



raised by learned counsel for the petitioner, this Court finds that since complainant evidence is still continuing, one of the grounds for dismissal of the application, that the same was intended to delay the trial proceedings, does not *prima facie* appear to be justified.

Moreover, without delving deeper into the controversy involved, this Court deems it appropriate to dispose of the present petition with the observation that on the next date fixed before the trial Court, or on any date prior thereto, respondent No.2 – Shami Kapoor (complainant), who appeared as PW-1, shall appear for further cross-examination. However, such opportunity shall be available to the petitioner subject to the payment of costs amounting to Rs.20,000/- to the complainant/PW-1 – Shami Kapoor in advance, before conducting his further cross-examination.

4. It is further clarified that in case the aforesaid cost amount is not paid to respondent No.2/complainant – Shami Kapoor (PW-1), liberty granted here-above shall not remain available to the petitioner. It is also clarified that no adjournment for further cross-examination shall be granted to the petitioner, except in a situation where the complainant/PW-1 does not appear before the trial Court. In such eventuality, as and when he appears before the Court, petitioner shall conduct his further cross-examination on the same day.

5. **The petition stands disposed of in the above terms.**

6. Before parting with the order, it is also clarified that if respondent No.2/complainant – Shami Kapoor (PW-1) feels aggrieved by the present order, which has been passed without issuance of notice to the other side, he shall be at liberty to file an appropriate application for



recalling of the present order. However, in such an eventuality, he shall first return the cost amount of Rs.20,000/- (if already received by him towards further cross-examination) to the petitioner.

Pending misc. application(s), if any, shall also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

May 20, 2026
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No