



**In the High Court for the States of Punjab and Haryana
at Chandigarh**

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CRM-M-29617-2026 (O&M)
Date of Decision:- 26.05.2026

Ram Kumar

... Petitioner

Versus

Satish Kumar Sachdeva

... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Jaswinder Singh Grewal, Advocate, for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (for short - 'the BNSS') seeking quashing of the impugned orders dated 10.02.2026 (Annexure P-4) and 28.04.2026 (Annexure P-5), vide which learned trial Court has recorded the cross-examination of CW-1 Satish Kumar Sachdeva 'treated as nil' and the application for recalling the order dated 10.02.2026 has been dismissed being non-maintainable in complaint bearing No.NACT-661-2021 titled 'Satish Kumar Sachdeva Vs. Ram Kumar'.

2. Learned counsel for the petitioner contended that on 10.02.2026 learned trial court had recorded the cross-examination of CW-1 Satish Kumar Sachdeva 'treated as nil' without giving him any opportunity for recording his cross-examination though he was present in court on that date. Thereafter, the petitioner moved an application for recalling the aforesaid order, however, the



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same was dismissed on the ground of being not maintainable without considering the fact that the witness himself did not come for his cross examination in Court deliberately for several dates. It is submitted that counsel for the petitioner before the trial court was suffering from heart ailment and getting treatment from 05.02.2023 to 23.02.2023, but without considering the said difficulty, the cross-examination of the witness was 'treated as nil'. Learned counsel prayed that one more opportunity may be granted to the petitioner to cross examine the aforesaid witness-CW1.

3. Heard.

4. This Court has heard the learned counsel for the petitioner and perused the orders passed by the trial Court.

5. The operative part of the impugned order dated 28.04.2026 (Annexure P-5) is reproduced as under:-

“... xxxx.....

5. On perusal of file reveals that the complainant was examined-in-chief on 19.11.2024. Thereafter, he was not cross-examined even after availing four effective opportunities. Consequently, opportunity for cross-examination given NIL (vide order dated 10.02.2006).

6. In order to justify the same, learned counsel for the applicant has placed on record his medical record, according to which he was admitted to the hospital from 16.02.2026 to 23.02.2026; consequently, he could not cross-examine the complainant.



7. *Perusal of record reveals that the cross-examination of witness was closed as NIL on 10.02.2026. Furthermore, the party availed sufficient opportunities for cross-examination prior to this order.*
8. *However, court cannot review its own order. Furthermore, applicant can apply to appropriate forum and avail other remedy, if any.”*

6. A perusal of record shows that several opportunities had been given to the petitioner for conducting the cross-examination of CW1-Satish Kumar Sachdeva, but counsel for the petitioner before the trial court remained absented and this fact has been mentioned in the orders passed by learned trial court. As per order dated 28.04.2026 (Annexure P-5), it has been noticed that counsel for the petitioner remain admitted in the hospital from 16.02.2026 to 23.02.2026, whereas the cross-examination of the said witness had already been closed and ‘treated as nil’ on 10.02.2026.

7. Taking into consideration the cumulative effect of the facts and circumstances, this Court finds no merit in the present petition and, therefore, the same is dismissed.

26.05.2026
Geeta

(SUBHAS MEHLA)
JUDGE

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