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

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**CRM-M No.32722 of 2026
Date of Decision: 02.06.2026**

Tarun Kumar Sachdeva

... Petitioner

Versus

Joginder Singh and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rakesh Dhiman, Advocate,
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner making challenge to the order dated 02.04.2026 passed by the Court of learned Judicial Magistrate 1st Class, Gurugram in Criminal Complaint bearing No.NACT-6263-2019 tiled as *Joginder Singh v. M/s Swarg Guest House and another*, whereby defence evidence of the petitioner-accused had been ordered to be closed by order of the Court.

2. The petitioner is facing trial for commission of offence punishable under Section 138 of Negotiable Instruments Act. On a perusal of record, it is revealed that the evidence of the complainant in this case was closed as on 22.05.2025 and thereafter the case was adjourned to 24.07.2025 for producing evidence by defence. The petitioner moved an application under Section 315 of Cr.P.C. for granting him permission to appear as his own witness which was allowed on

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24.07.2025. Thereafter, he availed nine effective opportunities to conclude his evidence. As many as eight witnesses were examined by him in his defence evidence. On 19.12.2025, two more opportunities were granted to him to conclude his evidence. He was not able to conclude the same and ultimately, his evidence was closed on 02.04.2026.

3. It is argued by learned counsel for the petitioner that the impugned order is not sustainable in the eyes of law as not only his prayer for examining himself as a witness had been allowed by the learned trial Court but also, he had filed a list of witnesses for summoning his witnesses. He had also deposited the requisite diet money. Two official witnesses who were to be examined by him had not been appeared. His evidence was closed without allowing him opportunity to examine himself. Infact, on 02.04.2026 also, he had made a request to record his evidence but it was only due to paucity of time that the same could not be done, however, in the impugned order, this fact has not been mentioned. It is argued that if opportunity to examine himself as a witness and to produce his remaining evidence is not granted to him, a great prejudice would be caused to him. It is, therefore, argued that the petition deserves to be allowed.

4. This Court has gone through the entire record and on perusal of the same, it clearly appears that sufficient effective opportunities had been granted by the learned trial Court to the petitioner to conclude his defence evidence. On a perusal of order dated 05.03.2026, it is revealed that list of witnesses had been filed by the petitioner only on 02.03.2026 and that is why the presence of some of the witnesses could not be secured on that date.

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However, simultaneously, it has also come on record that he had been given opportunity to examine himself as his own witness but had not been so examined by the learned trial Court. Taking into consideration the above discussed facts, this Court is of the considered opinion that interest of justice would be served if one more opportunity is granted to the petitioner to produce his remaining witnesses and to examine himself as such. Accordingly, the petition is disposed of by directing the learned trial Court to grant one effective opportunity for examining the petitioner as a witness and also for producing the remaining witnesses. The petitioner shall, however, obtain dasti summons for ensuring presence of the official witnesses and no further opportunity shall be granted to him unless the learned trial Court comes to the conclusion that despite service and without assigning any reason, the official witnesses have not appeared. The petitioner is also burdened with costs of Rs.10,000/- which shall be paid by him to the complainant.

5. Ordered accordingly.

6. A copy of this order be given dasti to learned counsel for the petitioner under the signature of Bench Secretary.

02.06.2026

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No