



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

Sr.No.139

**CRM-M-61569-2018
Decided on : 01.04.2026**

Gurdial Singh

..... Petitioner

Versus

Surinder Singh

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Rajesh K.Dadwal, Advocate
for the petitioner.

Mr. Rahul Garg, Advocate
for the respondent.

RUPINDERJIT CHAHAL, J (ORAL)

1. The petitioner has preferred the instant petition filed under Section 482 Cr.P.C. for quashing of the order dated 06.11.2018 (Annexure P-4), passed by the Court of learned Judicial Magistrate Ist Class, Hoshiarpur in Criminal Complaint No.NACT/0000321 of 2014 dated 26.03.2014, registered under Sections 138 of the Negotiable Instruments Act, 1881 and Section 420 IPC whereby the application for recording of the statement of defence witness Rupinder Kaur through Whatsapp video call or by way of video conferencing has been dismissed

2. Learned counsel for the petitioner contends that the learned trial Court has erred in dismissing the application. He further contends that due to miscarriage of child, the health condition of the said defence witness is



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not good and the doctor has advised her not to travel long journey. He further submits that at present she is undergoing treatment for cancer. Learned counsel contends that due to the filing of the said case, the petitioner is facing mental agony and he has suffered from financial loss. He further contends that the learned trial Court without appreciating the facts and without applying the judicious mind has wrongly dismissed the application. Therefore, learned counsel for the petitioner prays that the instant petition be allowed.

3. Learned counsel for the respondent has no objection if the present petition is allowed.

4. I have heard learned counsel for the parties and have gone through the paper book.

5. Keeping in view the peculiar facts and circumstances of the present case and the medical condition of the said witness, the instant petition stands allowed. The impugned order dated 06.11.2018 (Annexure P-4), passed by the Court of learned Judicial Magistrate Ist Class, Hoshiarpur is hereby quashed. The learned trial Court is directed to record the statement of the said witness Rupinder Kaur by way of video conferencing as per rules, upon receipt of certified copy of this order.

01.04.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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