



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

Sr. No.282-3**CRM-M-681-2019****Reserved on:-08.04.2026****Pronounced on:-16.04.2026****Uploaded on:- _____**

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

AVTAR SINGH**...Petitioner****Versus****LAKHVIR SINGH AND ORS.****....Respondents****CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Present:- Mr. Rajiv Joshi, Advocate
for the petitioner.

Mr. Satbir Rathoure, Advocate
for respondents No. 1, 2 and 6.

MANDEEP PANNU, J.

1. The present petition has been filed under Section 482 Cr.P.C. for the quashing of the order dated 05.12.2018 (Annexure P-7) passed by the learned Judicial Magistrate Ist Class, Phillaur in Criminal Complaint No. COMI/6/2015, D.O.I. 16.02.2015 titled "*Avtar Singh versus Lakhvir Singh and others*", whereby the pre-charge evidence of the petitioner has been closed by order.

2. A perusal of the impugned order dated 05.12.2018 passed by the learned Judicial Magistrate Ist Class, Phillaur shows that the case was fixed for complainant's evidence and despite the matter being listed as last opportunity, the complainant sought adjournment on the ground of pendency



of proceedings before this Court. The learned trial Court observed that no stay order had been produced and that sufficient opportunities, including last opportunity, had already been granted. Finding no justification to grant further adjournment, the learned trial Court proceeded to close the pre-charge evidence of the complainant.

3. Learned counsel for the petitioner has contended that the impugned order is wholly unjustified and has resulted in grave miscarriage of justice. It is submitted that the petitioner is an NRI and had approached the Court with a specific case that the respondents had forged a power of attorney and, on its basis, executed sale deeds qua his property. It is argued that an application under Section 91 Cr.P.C. had been moved for production of original documents, which are in possession of the accused, and the same are crucial for just adjudication of the matter. It is further contended that parallel civil proceedings are pending and even before this Court, earlier proceedings challenging the order declining production of documents were sub judice, which fact had been brought to the notice of the trial Court. It is thus argued that closure of evidence in such circumstances, particularly when the petitioner was diligently pursuing his remedies, is hyper-technical and defeats the cause of justice. It is prayed that one effective opportunity be granted to enable the petitioner to lead his entire evidence.

4. Per contra, learned counsel for the respondents has argued that the impugned order calls for no interference. It is submitted that the petitioner had been granted sufficient opportunities by the trial Court and even a last opportunity had been availed. It is further contended that mere pendency of proceedings before the High Court does not automatically



entitle the complainant to adjournment in the absence of any stay order. It is argued that the trial Court has exercised its discretion judiciously and in accordance with law to prevent unnecessary delay in the proceedings. It is further submitted that the petition is an attempt to protract the trial and no indulgence ought to be granted.

5. I have heard learned counsel for the parties and have gone through the record carefully. It is well settled that the power under Section 482 Cr.P.C. is to be exercised to secure the ends of justice and to prevent abuse of the process of Court. At the same time, it is equally settled that procedural laws are handmaids of justice and not to be construed in a manner so as to defeat substantive rights. In the present case, although the petitioner was granted multiple opportunities, including a final opportunity by the trial court, it must not be overlooked that the allegations involve the forgery of a power of attorney and related sale deeds. In this context, the original documents allegedly in the possession of the accused are crucial for ensuring a fair and proper adjudication of the complaint.

6. Further, the record reflects that the petitioner had been actively pursuing legal remedies, including proceedings before this Court, and the said fact had also been brought to the notice of the trial Court. In such circumstances, while the conduct of the petitioner may not be entirely free from lapse, yet closing the entire pre-charge evidence at that stage would result in shutting out the petitioner from proving his case, which may cause irreparable prejudice. At the same time, the concern of the trial Court regarding delay in proceedings is also justified and cannot be ignored.



Therefore, a balance is required to be struck between the right of the petitioner to lead evidence and the need to ensure expeditious trial.

7. Accordingly, in the peculiar facts and circumstances of the case, the impugned order dated 05.12.2018 is set aside. The petitioner/complainant is granted two effective opportunities to lead his entire pre-charge evidence, subject to payment of costs of Rs. 5,000/- to be deposited with the District Legal Services Authority concerned. It is made clear that no further opportunity shall be granted thereafter and the learned trial Court shall proceed with the matter strictly in accordance with law.

8. As such, the present petition is disposed of in the above said terms.

9. All pending applications, if any, also stand disposed of.

16.04.2026
Anu

(MANDEEP PANNU)
JUDGE

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