



CRM-M-53993-2025

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

264/2

CRM-M-53993-2025(O&M)

Date of Decision:02.04.2026

M-3 Munjal Mobile Mart, Aggarsen Chowk, Thanesar and another
....Petitioner(s)

Versus

Nancy Traders and another
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Jagdish Manchanda, Sr. Advocate, with
Mr. Nischal Chetanya Manchanda, Advocate, for the petitioners.

Mr. Anuj Balian, Advocate, for respondent No2.

AMAN CHAUDHARY, J. (Oral)

1. The present petition arises out of the impugned order dated 10.09.2025 passed by the Ld. JMIC, Kurukshetra, whereby the right of the petitioner to cross-examine the complainant's General Power of Attorney (GPA) holder, has been closed and the cross-examination has been ordered to be "NIL".

2. Learned Senior counsel submits that the complainant had chosen to examine his GPA holder as CW-1 in place of the original complainant and the case was fixed for cross-examination of the said witness. However, despite the pendency of the quashing petition before this Court and without considering the prejudice that would be caused, the trial Court vide the impugned order abruptly closed the right of cross-examination and proceeded



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further in the matter, therefore, the petitioners are seeking one effective opportunity to cross-examine Ankur Pal Mittal.

3. Learned counsel for respondent No.2 has no objection in case one opportunity is granted to cross-examine the aforesaid person, which may be subject to costs though.

4. Heard.

5. Fair trial is the main object of criminal procedure, and it is the duty of the Court to ensure that such fairness is not hampered or threatened in any manner. It entails the interests of the accused, the victim and of the society, and therefore, also includes the grant of proper opportunities to the person concerned, and the same must be ensured as this is a constitutional, as well as a human right. Thus, under no circumstances can it be jeopardised. Adducing evidence in support of the defence is a valuable right. Denial of such right would amount to the denial thereof. Thus, it is essential that the rules of procedure that have been designed to ensure justice are scrupulously followed, and the Court must be zealous in ensuring that there is no breach of the same.[See **Natasha Singh vs. CBI (State)** 2013 Cr.L.R.(SC) 582].

6. In a case where the right of the accused to cross examine the Investigating Officer was closed, Madhya Pradesh High Court in **Shyam Premchandani vs. State of Madhya Pradesh**, CRR-905-2025, dated 07.05.2025, to which no challenge was made, while granting him one opportunity to do so, had observed that, “The right to fair trial is one of the fundamental guarantee of the rule of law, aimed at ensuring administration of



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justice. Fair trial includes fair and proper opportunities allowed by law to prove defence by cross examination of prosecution witness. Denial of adequate opportunity to cross-examine a material prosecution witness may seriously prejudice the right to defend of the accused...”

7. The duty of the Court is to ensure that full and material facts are brought on record so that there might not be miscarriage of justice. The opportunity of cross-examining the witnesses is essential for the just decision of the case and denial of such right results in serious prejudice and violation of fair trial. The accused cannot be deprived of the opportunity to test the veracity of the complainant’s evidence, particularly in proceedings under Section 138 of the Negotiable Instruments Act. All of this ought to have weighed with the Court but apparently none did. Procedure, being the handmaiden of justice, must operate to advance a fair and complete adjudication and not restrict it.

8. In view of the above, present petition is allowed and the order dated 10.09.2025 is hereby set aside. The petitioner is granted one effective opportunity to cross-examine the aforesaid witness on the next date of hearing fixed before learned trial Court, subject to payment of costs of Rs.10,000/- to respondent no 2.

(AMAN CHAUDHARY)
JUDGE

April 02, 2026

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