

2026:PHHC:014309



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

111 (4 cases)

**CRM-M-67178-2025
CRM-M-67974-2025
CRM-M-67996-2025 &
CRM-M-68060-2025**

Date of Decision: 31.01.2026

YOGESH TYAGI

... Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Shiv Bhatt, Advocate for the petitioners.

Ms. Maninee, Advocate for Mr. Sandeep Sharma,
Advocate for respondent No.2.

Mr. Vijay Kumar, AAG, Haryana.

H.S. GREWAL, J. (ORAL)

All these four petitions are being decided by this common order since the controversy involved therein is the same. For the sake of brevity, the prayer clause is being referred to from CRM-M-67178-2025.

2. The said petition has been filed by the petitioner under Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023 seeking quashing of order dated 27.10.2025 passed by the trial Court in a Complaint Case No.1050 of 2016 dated 30.01.2016 (Old Complaint No.235 of 2015) filed under Section 138 of the N.I. Act, 1881.

3. Learned counsel for the petitioner submits that the petitioner (accused in the trial Court) has examined ten material witnesses in his defence,

and he wants to examine four more witnesses mentioned at Sr. No.09 to 12 in the list of defence witnesses (Annexure P-5) furnished by him before the trial Court. He further submits that despite issuance ofailable warrants, the presence of the said witnesses could not be secured. It is further submitted that vide the impugned order dated 27.10.2025, the trial Court has dismissed the application of the petitioner for summoning the abovesaid witnesses through non-ailable warrants solely on the ground that the petitioner failed to furnish the addresses of the said witnesses, who are stated to be residing in Dubai and USA. Learned counsel further argued that the said witnesses are not residing in Dubai or USA, rather they are facing trial under Section 138 of the N.I. Act, 1881 in the Court of JMIC, Gurugram itself and are being duly represented by their counsel. Even the complainant therein is also the same person, who has filed the complaint against the petitioner herein. He further submits that the said witnesses are regularly appearing before the Court at Gurugram and can easily be served through the Court where they are appearing.

4. Learned counsel appearing on behalf of respondent No.2 in CRM-M-67178-2025, on the other hand, submits that the petitioner has utterly failed to bring his defence witnesses despite availing more than 07 effective adjournments, and as such, the trial Court has rightly dismissed the application of the petitioner. She further prays for dismissal of the present petition.

5. Learned State Counsel submits that it is a private criminal complaint arising out of a monetary dispute between the parties, wherein the State has no role to play at this stage.

6. I have heard the learned counsel for the respective parties and have gone through the documents and other material available on record with their able assistance.

7. From a careful perusal of the record, it is evident that no strenuous efforts have been made by the trial Court to secure the presence of the abovementioned witnesses, especially when it is specifically stated by the counsel for the petitioner herein that the said witnesses are facing trial in the same District Court Com*-plex and are regularly appearing in the Court.

8. In light of the above, the impugned order dated 27.10.2025 is hereby set aside and the trial Court is directed to ensure the presence of the said witnesses through the Court where their cases are stated to be pending and they are appearing regularly. The provisions of Section 266(2) of BNSS, 2023 be also adhered to get their presence secured in the Court for recording their evidence before the case is finally decided. One effective opportunity be granted to the complainant also (respondent No.2 herein) to cross-examine the said witnesses.

9. All the petitions stand allowed accordingly.

JANUARY 31, 2026.

Rajender

**(H.S. GREWAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No