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AT CHANDIGARH**

**CRM-9493-2026 in/and  
CRM-M-70261-2025  
Date of decision: 12.03.2026**

**JAI PAL**

**...PETITIONER**

**V/S**

**KEWAL SINGH**

**...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr. Devesh Nehra, Advocate for the petitioner.

Mr. Kapil Gupta, Advocate for the respondent.

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**SUBHAS MEHLA, J. (ORAL)**

1. Prayer in the present petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of order dated 10.11.2025 (Annexure P-10) passed by learned Judicial Magistrate Ist Class, Pehowa in case bearing NACT No.138 of 2021 titled as '*Kewal Singh vs. Jal Pal*' filed under Section 138 of Negotiable Instruments Act, 1881, whereby, the application filed by the petitioner under Section 311 Cr.P.C. has been dismissed.

2. Learned counsel for the petitioner submitted that on 05.06.2025, the case was fixed for cross-examination of the complainant (CW-1) and was partially cross-examined, then it was deferred for 13.06.2025 for production of certain documents, which were admitted by him during his partial cross-examination; thereafter again on the same ground, the case was deferred for 15.07.2025 and 28.07.2025; and then on 28.07.2025, the complainant's evidence was closed without granting opportunity to the petitioner for further cross-examination and the case was directly fixed for recording of statement of petitioner/accused under Section 313 Cr.P.C. Subsequently, the petitioner moved an application under Section 311 Cr.P.C. to recall the complainant



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(CW-1) for further cross-examination but the same was also dismissed by giving the reason that the application was moved with the motive to delay the trial.

3. Learned counsel for the respondent/complainant opposed the prayer made by the petitioner and submitted that the witness has already been examined at length by the counsel for the accused/petitioner; the petitioner/accused is taking advantage of inadvertence error in the *zimni* order; the application under Section 311 Cr.P.C. has only been filed to prolong the proceedings of the present case and no specific reason has been mentioned for further cross-examination of the complainant. Hence, learned counsel prayed for dismissal of the present petition.

4. Heard.

5. Perusal of the Annexure P-5 reveals that the complainant was cross-examined at length by the counsel for the petitioner/accused, which runs in three pages; no specific reason has been mentioned for which, the petitioner wants to recall the complainant (CW-1) for further cross-examination and the application under Section 311 Cr.P.C. has only been filed to delay the trial.

6. In view of the above, this Court finds no ground in the present petition and the same stands dismissed accordingly.

March 12, 2026  
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(SUBHAS MEHLA)  
JUDGE

- (i) Whether speaking/reasoned
- (ii) Whether reportable

Yes/No  
Yes/No