



CRM-M-69277-2025

1

267 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-69277-2025

Date of Decision: 18.05.2026

MUKESH KUMAR

... PETITIONER

VERSUS

BINAY KUMAR

... RESPONDENT

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

Present:- Mr. Rakesh Sobti, Advocate for the petitioner.

None for the respondent.

H.S. GREWAL, J. (ORAL)

1. The present petition has been filed under Section 528 BNSS for quashing the impugned order dated 15.10.2025 (Annexure P-10) passed by the learned Civil Judge (Junior Division), Mukerian, vide which, the evidence of the petitioner stands closed by Court order in Case No.NACT/147/2022, titled as “**Mukesh Kumar Vs. Binay Kumar**”.

2. Briefly stated that petitioner-complainant had filed a complaint under Section 138 of the Negotiable Instruments Act, which is registered at NACT No.147 of 2022 titled as “**Mukesh Kumar Vs. Binay Kumar**”.

Thereafter, respondent/accused was summoned by the Court concerned. The respondent/accused firstly did not appear inspite of the service and, as such, vide order dated 27.03.2023, he was summoned throughailable warrants and thereafter non-ailable warrants were also issued against him. Finally, the proclamation was issued under Section 82 of the Cr.P.C. vide order dated 01.09.2023. Thereafter, the respondent/accused appeared on 19.10.2023 and was released on bail. The petitioner/complainant moved an

**CRM-M-69277-2025****2**

concerned vide order dated 30.01.2024 and ordered the respondent to pay 20% of the cheque amount i.e. Rs.40,00,000/- as interim compensation to the petitioner.

3. Thereafter, on 06.03.2024, it was state that there are chances of an amicable settlement between the parties, the concerned Court sent the matter to the National Lok Adalat, but the same was failed due to non appearance of the parties and vide order dated 09.03.2024, the matter was sent back to the regular Court. Thereafter, the matter was taken up on numerous dates but no PWs were examined by the complainant.

4. Learned counsel for the petitioner contends that the learned Trial Court has closed the evidence of the petitioner without assigning any reason and also without considering the facts and circumstances of the case in right and prospective manner. Therefore, the impugned order dated 15.10.2025 (Annexure P-10) is liable to be set aside.

5. I have heard learned counsel for the petitioner and perused the case file.

6. The evidence of the petitioner has been closed vide order dated 15.10.2025, whereby, it is noted that the complainant had given numerous opportunities to examine his witnesses on 28.03.2025, 16.04.2025, 30.04.2025, 23.05.2025, 09.07.2025, 29.07.2025 and 21.08.2025, but he failed to conclude his evidence. However, on perusal of zimni order(s), it shows that the respondent/accused had also sought exemption from appearance and on that ground, his evidence was not led. Accordingly, the application filed by the respondent/accused for exemption was allowed, but the court concerned had closed the evidence of the petitioner-complainant.



CRM-M-69277-2025

3

7. Therefore, in the light of the above; without commenting on the merits of the case, one more opportunity is granted to the petitioner/complainant to lead his evidence, subject to deposit of Rs.5,000/- towards costs with the High Court Legal Services Committee.
8. The petitioner/complainant is directed to appear before the concerned Court on 22.05.2026. The Trial Court is also directed to record the evidence of the petitioner/complainant positively on the date fixed by it and in case, the evidence of the petitioner/complainant is not concluded for any reason on the said date, one more opportunity shall be granted to him for leading his evidence.
9. In view of the above, present petition stands disposed of.

18.05.2026
Anjal

(H.S.GREWAL)
JUDGE

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