



CRM-M-71292-2025 (O&amp;M) -1-

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

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**CRM-M-71292-2025 (O&M)  
Decided on: 16.03.2026**

**JYOTI AND ANOTHER****.....Petitioners**

**Versus**

**JEE BALA JEE & COMPANY AND OTHERS****.....Respondents****CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr. Deepak Verma, Advocate for the petitioners.

Mr. Alok Mittal, Advocate with  
Mr. Sylvester, Advocate for the respondents.  
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**SUBHAS MEHLA, J. (Oral)**

1. The present petition has been filed under Section 528 of BNS, 2023 for quashing of order dated 31.07.2025 (Annexure P-2), order dated 25.09.2025 (Annexure P-3) and order dated 18.11.2025 (Annexure P-5), passed by the learned trial Court in a complaint case bearing no. NACT-855 of 2018 under Section 138 of Negotiable Instruments Act, 1881 on behalf of complainant/ respondent No.1 vide which learned trial Court has closed the right of petitioners/ accused to completely cross examine the complainant witness CW-1 and defence evidence.

2. Learned counsel for the petitioner contended that the statement of petitioner under Section 313 Cr.P.C. was recorded on 12.08.2025 and thereafter an application to summon witnesses was made, however, vide order dated 25.09.2025 passed by the trial Court, out of 13 witnesses, only two were ordered to be summoned as defence witnesses;



as directed, the petitioners deposited diet money on 13.10.2025 (Annexure P-4). Thereafter, despite deposit of diet money and filing of process fee, notice could not be issued to summon defence witnesses, however, trial Court recorded zimnis to the extent of not filing process fee/ diet money due to which ultimately vide order dated 18.11.2025(Annexure P-5), the defence evidence of the petitioner was closed. Hence, the present petition.

3. Heard and impugned order perused.

4. The nature of the order that this Court is going to pass, no notice is required to be issued to the respondents.

5. As far as impugned order dated 31.07.2025 *qua* treating the cross-examination of CW-1 as nil is concerned, it is clear from the perusal of the order which shows that despite availing 6/7 opportunities, complainant failed to cross-examine the said witness and ultimately cross examination was ordered to be treated as nil. A perusal of zimni orders shows that the case was fixed for defence evidence on 28.08.2025. Subsequently, the application to summon witnesses was filed by the accused-petitioner and the same was partly allowed on 25.09.2025, however, the petitioner-accused failed to deposit PF/ DM on 09.10.2025, 27.10.2025 and 06.11.2025 due to which witnesses could not be summoned. It has come on record that diet money fixed for witnesses of the accused-petitioner is Rs.3000/-+Rs.50/- and out of the said money, only Rs.650/- was deposited by the accused-petitioner, however vide order dated 08.12.2025 it was directed to deposit the remaining PF/ DM



alongwith cost of Rs.2000/- to be paid by the petitioner to the complainant. However, instead of complying with the said order and making payment of remaining amount and cost, the petitioner filed the present petition on 18.12.2025 which shows the conduct of the petitioner is just to delay the proceedings.

6. As such, keeping in view the facts and circumstances of the present case and the fact that several opportunities have been granted to the petitioner to lead his evidence by way of producing witness(es) to the Court and further vide order dated 06.12.2025 (copy supplied) passed by the trial Court vide which order of closing of defence witness was recalled and the petitioner was again given opportunity to lead defence evidence, however the petitioner failed to comply with the order dated 09.10.2025 passed by the trial Court to deposit the requisite diet money i.e. Rs.3000/- + Rs.50/- for the witness & the requisite process fee. Therefore, keeping in view the fact that the trial Court has given sufficient opportunities to comply with the aforesaid order and to lead defence evidence and instead of complying with the order passed by the trial Court, the petitioner filed the present petition just to delay the proceedings, as such, keeping in view the act and conduct of the petitioner, this Court finds no merit in the present petition and the same is hereby **dismissed**.

(SUBHAS MEHLA)  
JUDGE

16.03.2026  
Sonia Puri

Whether Speaking/Reasoned: YES/NO  
Whether Reportable: YES/NO