



2026:PHHC:040531

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CRM-M-13926-2026

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

Sr. No.178

**CRM-M-13926-2026
Date of Decision: 16.03.2026**

KAPIL GUPTA

...Petitioner

Versus

ADVANCE TECHNOLOGICAL PRODUCTS

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Amarsh Dudeja, Advocate
for the petitioner.

MANDEEP PANNU, J. (Oral)

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 Cr.P.C.) for quashing of the impugned orders dated 08.01.2026 and 06.02.2026 (Annexures P-1 and P-2 respectively) passed by the learned Judicial Magistrate First Class, Faridabad, Haryana in case No. NACT No. 7626-2018 titled "*M/s Advance Technological Products vs. M/s Delta Electronics*".

2. Brief facts of the case, as emerging from the record, are that a complaint under Section 138 of the Negotiable Instruments Act titled *M/s Advance Technological Products vs. M/s Delta Electronics* is pending before the learned Judicial Magistrate First Class, Faridabad in case No. NACT No. 7626-2018. During the course of trial, the complainant evidence stood closed on 26.08.2025 and thereafter the petitioner/accused stepped into defence and was partly examined on 15.11.2025 and 04.12.2025, whereafter the matter was adjourned to 08.01.2026 for further cross-examination. On the said date, instead of issuing court summons to the witnesses of the



petitioner, the learned trial Court declined to summon the defence witnesses on the ground that diet money had not been deposited, though no specific direction or time frame had earlier been fixed for such deposit. Subsequently, on 15.01.2026 one defence witness was examined and another was discharged, however, vide order dated 06.02.2026 the learned trial Court closed the defence evidence and directed the parties to address final arguments, even though the proceedings qua the co-accused Mr. Kanik Gupta were stayed by this Hon'ble Court and his defence evidence was yet to commence. Aggrieved against the said orders dated 08.01.2026 and 06.02.2026, the petitioner has approached this Hon'ble Court by way of the present petition.

3. Learned counsel for the petitioner contends that the impugned order dated 08.01.2026 passed by the learned JMFC, Faridabad declining to summon the defence witnesses is wholly illegal and perverse, as there was no specific direction or time frame fixed by the Court for deposit of diet money and the same had in fact been deposited after its assessment by the court officer. It is argued that the petitioner had been diligently pursuing his defence and some witnesses had already been examined, while an important witness namely Mr. Sajid Ali could not appear due to personal circumstances and ought to have been summoned through court process. It is further contended that the subsequent order dated 06.02.2026, whereby the defence evidence was closed and the matter was fixed for final arguments, is also unsustainable as the evidence of the co-accused Mr. Kanik Gupta is yet to commence and proceedings qua him stand stayed by this Hon'ble Court, therefore the trial could not have been bifurcated and the case could not have



been posted for final arguments qua the petitioner alone. It is thus submitted that both the impugned orders suffer from procedural illegality and have resulted in denial of fair opportunity to the petitioner to lead his defence evidence.

4. Ms. Arushi Lamba, Advocate has made appearance on behalf of the respondent and filed Power of Attorney, which is taken on record and contested the present petition by arguing that the petition is wholly misconceived and liable to be dismissed. It is submitted that the learned trial Court has passed the impugned orders after granting sufficient and repeated opportunities to the petitioner to lead his defence evidence. Despite such opportunities, the petitioner failed to ensure the presence of his witnesses and did not deposit the requisite diet money within time, thereby delaying the proceedings of the case. It is further contended that the complaint under Section 138 of the Negotiable Instruments Act is pending since the year 2018 and the petitioner has been adopting dilatory tactics to prolong the trial. Therefore, the learned trial Court rightly exercised its discretion in declining further opportunity and in closing the defence evidence and fixing the matter for final arguments, and no interference is warranted by this Court in exercise of its inherent jurisdiction.

5. I have heard learned counsel for the parties and have gone through the record of the case with their assistance. The record reveals that the complaint under Section 138 of the Negotiable Instruments Act is pending since the year 2018 and the trial has reached the stage of defence evidence. It is not in dispute that the petitioner had already stepped into the witness box and had been partly examined and that certain defence witnesses



had also been examined subsequently. The grievance of the petitioner essentially arises from the fact that the learned trial Court declined to summon the remaining defence witnesses on the ground that the diet money had not been deposited in time and thereafter vide order dated 06.02.2026 closed the defence evidence and fixed the matter for final arguments.

6. Although the learned counsel for the respondent has argued that sufficient opportunities had already been granted to the petitioner to lead his defence evidence, however, this Court is of the considered view that the right of an accused to lead defence evidence is an important facet of a fair trial and such opportunity should ordinarily not be curtailed unless it is shown that the party is deliberately abusing the process of the Court. In the present case, it appears that the petitioner had already examined some witnesses and had shown willingness to produce the remaining witnesses, and therefore the closure of defence evidence at this stage would result in denial of adequate opportunity to the petitioner to effectively present his defence. At the same time, the concern of the trial Court regarding delay in conclusion of the proceedings cannot be ignored, particularly when the complaint itself is pending for a considerable period of time.

7. In these circumstances, in order to balance the rights of the parties and to ensure that the trial is concluded expeditiously, this Court is of the view that one effective opportunity deserves to be granted to the petitioner to conclude the remaining defence evidence, subject to appropriate conditions.

8. Accordingly, the present petition is allowed and the impugned orders dated 08.01.2026 and 06.02.2026 are set aside to the limited extent



that the petitioner shall be granted opportunity to lead and conclude his defence evidence before the learned trial Court on 19.03.2026 and 20.03.2026. The petitioner shall ensure that all his remaining witnesses are present on the aforesaid dates and the defence evidence shall be concluded on those dates itself. This opportunity is being granted subject to payment of costs of Rs.10,000/- to the complainant/respondent, which shall be deposited before the learned trial Court prior to availing the said opportunity.

9. It is made clear that no further adjournment shall be granted to the petitioner on any ground whatsoever, and in the event the petitioner fails to conclude the defence evidence on the aforesaid dates, the learned trial Court shall be at liberty to proceed further with the matter in accordance with law.

10. Accordingly, the present petition stands disposed of.

(MANDEEP PANNU)
JUDGE

16.03.2026

Anu

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