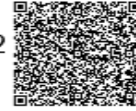




2026:PHHC:054152

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

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CRM-M-5327-2025

Date of decision : 08.04.2026

SHIV KUMAR

..... PETITIONER

VERSUS

RAMPAL SINGLA

..... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Omkar Chauhan, Advocate
for the petitioner.

Ms. Himani Anand, Advocate
for the respondent.

SURYA PARTAP SINGH. J.(Oral)

1. This petition under Section 528 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023' has been filed against the order dated 18.11.2024 passed by learned Judicial Magistrate 1st Class, Kurukshetra, hereinafter being referred to as 'trial Court' only. The above-mentioned order has been passed in a complaint filed by the respondent/complainant, hereinafter being referred to as 'respondent' only, against the petitioner/accused, hereinafter being referred to as 'petitioner' only.



2. The brief facts of the present case are that during the course of trial when the evidence of the respondent was closed, the statement of accused under Section 313 Cr.P.C. was recorded, and thereafter, opportunity was given to the petitioner to lead his defence evidence. At the above-mentioned stage on 18.11.2024, the petitioner filed an application, seeking for summoning of four witnesses in his defence. The above-mentioned application has been dismissed by the learned trial Court vide order dated 18.11.2024, hereinafter being referred to as 'impugned order'.

3. The copies of zimni orders passed by learned trial Court right from the stage of recording of statement of accused till 18.11.2024, when the impugned order was passed have been placed on record. A bare perusal of all the above-mentioned zimni orders shows that after recording of statement of accused under Section 313 Cr.P.C., the defence evidence was never closed neither by the petitioner at his own level nor by the learned trial Court by passing the specific order. Thus, the case is still fixed for defence evidence.

4. Since in the defence evidence the petitioner is seeking the summoning of four witnesses, in my opinion there was no occasion for the learned trial Court to deny the above-mentioned opportunity to the petitioner, as the petitioner being an accused has got a valuable right to defend himself. Simply in the name of delay in trial the above-said right cannot be snatched.

5. Taking into consideration the cumulative effect of all the above-mentioned factors, the present petition is hereby allowed and the order dated 18.11.2024 is hereby set aside. The learned trial Court is hereby



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directed to afford adequate opportunities to the petitioner to summon the witnesses, mentioned in the application, and record their statements. The learned trial Court is directed to decide the case expeditiously.

(SURYA PARTAP SINGH)
JUDGE

08.04.2026

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Whether speaking/reasoned : Yes
Whether Reportable : No