2026:PHHC:096595

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

121

CRR-1543-2026 (O&M)
Date of decision: 21.07.2026

Pritpal Singh **...Petitioner**

Versus

Gurinder Singh **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Gurjot Kaur Ghai, Advocate
for the petitioner.

MANISHA BATRA, J. *(Oral)*

1. **CRM-25465-2026**

Prayer in this application is for condoning the delay of 162 days in filing the present revision petition.

For the reasons stated in the application, the same is allowed and the delay of 162 days in filing the revision petition is hereby condoned.

2. **CRR-1543-2026 (O&M)**

The present criminal revision petition has been filed by the petitioner against the order dated 30.09.2025, passed by the learned Judicial Magistrate First Class, Mohali, whereby the application moved by the petitioner under Section 94 of the BNSS seeking summoning/production of certain documents from the complainant was dismissed. The petitioner prays for setting aside the impugned order and for issuance of appropriate directions to summon the documents mentioned in the application. The petitioner has also sought stay of further proceedings before the trial Court during the pendency of the present revision petition.

3. Brief facts of the case relevant for the purpose of disposal of this petition are that the petitioner is facing trial in Complaint Case No. NACT-338 of 2021 titled ***Gurinder Singh v. Pritpal Singh***, filed under Section 138 of the N. I. Act. During the course of defence evidence, the petitioner moved an application under Section 94 of the BNSS praying for summoning various documents including the complainant's Income Tax Returns, certified bank statements, details regarding the alleged cash transactions, copy of reply to the legal notice and certain company records pertaining to Seabird International Private Limited. According to the petitioner, each of the aforesaid documents had a direct bearing upon his defence and was necessary for effectively rebutting the statutory presumptions arising under Sections 118 and 139 of the N. I. Act. The learned Judicial Magistrate First Class, Mohali, after considering the rival submissions, dismissed the said application vide order dated 30.09.2025 holding that the documents sought to be summoned were either not relevant for adjudication of the controversy or were intended merely to embark upon a fishing and roving enquiry. Aggrieved against the said order, the petitioner has invoked the revisional jurisdiction of this Court.

4. It is argued by learned counsel for the petitioner that the impugned order is not sustainable in the eyes of law as the same has been passed without due application of judicious mind. It is argued that the learned trial Court failed to appreciate that every document sought by the petitioner had a specific nexus with his defence and was essential for adjudication of the real controversy. It is submitted that the learned Magistrate has erroneously proceeded on the assumption

2026:PHHC:096595

that no reply to the statutory legal notice had ever been sent by the petitioner. According to learned counsel, this finding is factually incorrect as the complainant himself, in his reply, has acknowledged receipt of the petitioner's reply to the legal notice. Consequently, the finding recorded by the trial Court is stated to be contrary to the material available on record. It has further been argued that the learned trial Court wrongly held that once settlement agreements executed between the parties had been admitted, the complainant's financial capacity became wholly irrelevant. Learned counsel submits that the alleged advancement of substantial cash loans pertains to the years 2013-2014, whereas the business relationship between the parties admittedly commenced only in the year 2015. Therefore, the complainant's financial capacity to advance such huge cash amounts remained a vital issue which could not have been brushed aside by the Trial Court. While submitting that denial of the said documents has seriously prejudiced the petitioner's right to effectively rebut the statutory presumptions under Sections 118 and 139 of the N. I. Act, it is urged that the petition deserves to be accepted and the impugned order is liable to be set aside.

5. This Court has heard the submissions made by learned counsel for the petitioner.

6. The challenge in the present revision is confined to the correctness of the order whereby the learned trial Court declined the petitioner's application under Section 94 of the BNSS for summoning certain documents from the complainant. The principal question which, therefore, arises for consideration is whether the discretion exercised by the learned Magistrate warrants interference in exercise of the limited revisional jurisdiction of this Court.

7. At the outset, it deserves to be noticed that the jurisdiction of the revisional Court is supervisory in nature. Unless the impugned order suffers from patent illegality, jurisdictional error, perversity or has occasioned failure of justice, interference would not be warranted merely because another view is possible. A revisional Court is not expected to substitute its own opinion for that of the trial Court on matters resting within the latter's judicial discretion. The foundation of the petitioner's case is that the complainant's Income Tax Returns, bank statements, details of alleged cash transactions and other financial records are necessary to establish that the complainant lacked the financial capacity to advance the alleged loan. According to the petitioner, denial of these documents has prejudiced his right to defend himself. However, this Court is unable to accept the aforesaid submission.

8. Section 94 of the BNSS undoubtedly empowers a Criminal Court to summon any document or thing necessary or desirable for the purposes of investigation, inquiry, trial or other proceedings. However, the provision cannot be interpreted as conferring an unfettered right upon an accused to seek production of every document which, according to him, may remotely assist his defence. The satisfaction regarding necessity or desirability of the document is essentially that of the Court, which is required to balance the requirement of a fair trial with the need to prevent unnecessary, vexatious or fishing enquiries. A perusal of the impugned order reveals that the learned trial Court has not rejected the application mechanically. Rather, the Court has considered the nature of every category of document sought to be summoned and has recorded reasons for declining the prayer. Merely because the petitioner is dissatisfied with the conclusion so reached

cannot furnish a ground for interference in revision.

9. On a perusal of the record, it is revealed that much emphasis has been laid by learned counsel upon the complainant's financial capacity. However, whether the complainant possessed sufficient means to advance the alleged amount is essentially a matter of evidence to be appreciated during the course of trial. The accused is not remediless in this regard. He is entitled to cross-examine the complainant on every relevant aspect including the source of funds, financial capacity, income, previous transactions and surrounding circumstances. The weight to be attached to such evidence would ultimately be determined by the Trial Court at the stage of final adjudication. Moreso, the petitioner seeks production of Income Tax Returns and bank statements with a view to impeach the complainant's version. In the opinion of this Court, the learned Magistrate has rightly observed that unless a proper factual foundation is first laid during cross-examination, directing wholesale production of personal financial records would amount to permitting a roving and fishing inquiry. Criminal proceedings cannot be converted into an exercise of general financial investigation merely because the accused disputes the transaction in question. The submission that the alleged loan transactions pertain to a period anterior to the business relationship between the parties also does not persuade this Court to interfere. Whether the parties entered into subsequent settlements, whether the alleged liability stood acknowledged and what effect such circumstances would have upon the defence are all matters which relate to appreciation of evidence. The revisional jurisdiction cannot be invoked for recording findings upon disputed questions of fact at an interlocutory stage.

10. So far as the contention that the learned trial Court has erroneously

2026:PHHC:096595

observed that no reply to the statutory notice had been sent by the petitioner, is concerned, even assuming that such observation is factually inaccurate, the same would not render the entire order unsustainable. The rejection of the petitioner's application does not rest solely upon the said observation. The learned trial Court has independently recorded that the documents sought to be summoned were not shown to be indispensable for deciding the controversy and that the application lacked the requisite nexus between the documents sought and the issues requiring adjudication. Therefore, one erroneous factual observation, if any, cannot be magnified into a jurisdictional error warranting interference under revisional jurisdiction.

11. In view of the discussion as made above, this Court finds that the learned Magistrate has exercised the jurisdiction vested in it in accordance with settled principles of law. The impugned order reflects application of mind and does not suffer from perversity, patent illegality or jurisdictional error. No case is, therefore, made out for interference in exercise of revisional jurisdiction. Consequently, finding no merit in the present revision petition, the same is hereby dismissed. Pending application(s), if any, shall also stand disposed of.

12. Nothing observed herein shall be construed as an expression on the merits of the complaint case, which shall be decided independently on the basis of the evidence led before the Trial Court, uninfluenced by any observation made in the present order.

21.07.2026 **(MANISHA BATRA)**
Waseem R. Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*