

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-40952 of 2015

Date of Decision: December 7, 2015

Gurpartap Singh

.....Petitioner

Vs.

Gurdev Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Munish Bhardwaj, Advocate
for the petitioner.

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M.M.S. BEDI, J. (ORAL)

Through instant petition, petitioner prays for comparison of signatures by examination of an expert.

So far as the claim of the petitioner that he wants to summon branch officials of Gurdaspur Amritsar Kshetriya Gramin Bank, Village Mohan Bhandari, Fatehgarh Churian, in view of the statement of DW1 who has stated that complainant did not have any account in Shivala Branch and that account No. 5030 was in the name of Gurdev Singh, cannot be considered. In context to the statement of DW1 Shamsher Singh, petitioner

complainant claims that he would be required to establish that accused has an account in Village Mohan Bhandari, Fatehgarh Churian with No. 5030.

I have heard learned counsel for the petitioner and gone through the statement of Shamsher Singh. It is an admitted fact that the memo of dishonouring of the cheque Ex.C2 has already been produced and proved by the complainant-petitioner. Shamsher Singh has not been able to prove that the accused does not have an account No.5030 in Village Mohan Bhandari, Fatehgarh Churian, as is apparent from his examination-in-chief. The document Ex.C2 appears to have been proved as per Bankers' Book Evidence Act.

In view of the above said circumstances, there does not appear to be any reason to allow the application under Section 311 Cr.P.C. as the evidence produced by Gurdev Singh in the shape of statement of DW1 Shamsher Singh is prima face not sufficient enough to rebut the memo Ex.C2 having been issued by the Bank in Village Mohan Bhandari, Fatehgarh Churian, where the accused prima facie holds an account. No ground is made out for interference.

Dismissed with the above said observations. Nothing said in this order will prejudice the right of any of the parties before the trial Court.

December 7, 2015
sanjay

(M.M.S.BEDI)
JUDGE