

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-44014 of 2014

Date of Decision: February 24, 2015

M/s Garrison Tools Pvt. Ltd. and another

.....Petitioners

Vs.

Punjab National Bank

.....Respondent

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

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Present:- Mr.Munish Mittal, Advocate
for the petitioners.

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

Counsel for the petitioners relies upon **Ramkaran Meena Vs. Indo Farm Industries Limited**, 2013 (1) Law Herald 518, **The Punjab State Cooperative Supply and Marketing Federation Limited Vs. M/s Goyal Rice and Oil Mills and others**, 2009 (4) RCR (CrI.) 612, **M/s Exports India and another Vs. State and another**, 2007 (4) RCR (CrI.) 300, **M/s College Culture Vs. Apparel Export Promotion Council**, 2007 (4) JCC 388, **M/s Balaji Seafoods Exports (India) Ltd. Vs. Mac Industries Ltd.**, 1999 (1) RCR (CrI.) 683, (a judgment of Madras High Court) and **Shanku Concretes Pvt. Ltd. and others Vs. State of Gujarat**

and another, 2000 (3) RCR (Crl.) 258, to contend that cheque issued on behalf of the petitioners was not for existing due but was issued by way of security as such the provisions of Section 138 of the Negotiable Instruments Act will not be applicable in the present case.

Since notice of accusation has already been issued and same having not been challenged, I deem it appropriate to dispose of this petition with liberty to the petitioners to raise all the pleas before the trial Court at an appropriate time.

It is ordered that in case the above said plea raised as a defence and material is brought on the record to substantiate the said plea, the trial Court, at the time of final disposal, take into consideration all the pleas and law referred to by the petitioners.

Disposed of.

February 24, 2015
sanjay

(M.M.S.BEDI)
JUDGE