

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

**Sr. No. 224**

**C.R.M-A No.1087 -MA-2016**

**Date of Decision : 24.09.2016**

Lakhwinder Singh

..... Petitioner

Versus

Darshan Singh

..... Respondent

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

Present : Mr. Vikram Bali, Advocate  
for the petitioner.

**AJAY TEWARI, J. (Oral)**

This appeal has been filed by the petitioner for setting aside the acquittal order dated 02.05.2016 passed by Lower court under Section 138 of Negotiable Instruments Act.

The Court was influenced by the fact that the petitioner had stated in his examination in chief that he had neither withdrawn the loan amount of Rs. 6,00,000/- from the bank nor he had received it from anybody and consequently, the conclusion is that he could not explain the source of the amount.

The Court has also noticed that date of the loan and date of the

cheque was the same and concluded that if this was so it was hardly a loan transaction.

The third fact was that the petitioner was not able to show what was the relationship between him and the accused which impelled him to advance an unsecured loan without any receipt or writing.

The Court also noticed that complainant had lodged the complaint after a long time and power of attorney was given to one Jaswinder Singh but when the complainant appeared in witness box, he stated that he did not know any Jaswinder Singh and nor given any power of attorney.

Similarly, said Jaswinder Singh appeared as DW demolished the case of the petitioner.

I view of the above discussion, I find no reason to take a different view.

The appeal stands dismissed.

**September 24, 2016**  
**anuradha**

**( AJAY TEWARI )**  
**JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether reportable**

**Yes/No**