IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM NO. M-32912 OF 2017
DECIDED ON : 09.11.2017

Sunny Gupta

...Petitioner

versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Aditya Bhushan, Advocate,
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

CRM NO. 32545 OF 2017

This is an application for placing on record the evidence of CW-3 as Annexure P-10.

For the reasons mentioned in the application, same is allowed and document Annexure P-10 is taken on record.

MAIN CASE

The petitioner has challenged the summoning order dated 20.08.2016 (Annexure P-8) whereby he has been summoned to face trial in complaint case No.71/15 dated 24.02.2015 under Sections 420/467/468/469/471/120-B IPC, as well as the order dated 07.07.2017 (Annexure P-9) passed by Additional Sessions Judge, Sonepat, whereby his revision there-against was dismissed.

Learned counsel for the petitioner contends that allegations against the petitioner in the complaint are that he was the partner of M/s Hari Om Automobiles along with son and husband of the complainant. The complainant had stood guarantee for the cash credit limit in favour of the said firm for an amount of ₹40,00,000/-. This limit was extended for another amount of ₹10,88,000/- by allegedly forging the thumb impressions of the complainant and submitting forged documents to the bank in this regard.

Learned counsel further contends that no case against the petitioner for summoning him as an accused is made out as it was the complainant herself who had submitted those documents in the bank along with her thumb impressions and only after the bank officials were satisfied, the cash credit limit was increased.

Heard.

The petitioner was summoned as an accused after preliminary evidence had been recorded. He was proprietor of M/s Hari Om Automobiles and had availed loan facility from UCO Bank, Kundli. The complainant and one Kamlesh had stood guarantee for the loan taken by the petitioner. The trial Court had recorded statement of complainant as CW-1 which was corroborated by other guarantor CW-2 Kamlesh. CW-3 Senior Manager, UCO Bank, Kundli was also examined and he had proved the loan documents. CW-4 Handwriting Expert had also been examined and he had stated that thumb impressions on the

Deed of Guarantee were not of the complainant and they appear to be forged. The Revisional Court had already held that no prima facie case is made out against Jyoti Gupta-wife of the complainant as she was not partner of the firm and not responsible for the acts of her husband.

Therefore, I do not find any patent illegality in the orders passed by the courts below for summoning the petitioner to face trial warranting interference while exercising jurisdiction under Section 482 Cr.P.C. The petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

NOVEMBER 09, 2017
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1. Whether speaking/reasoned : YES/NO
2. Whether reportable : YES/NO