

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-5237-2017

Date of Decision: 17.02.2017

Vikram Singh

.....Petitioner

vs.

Gurgaon Gramin Bank now converted to Sarv Haryana Gramin Bank

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. J.P. Sharma, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition quashing of the order of the learned Judicial Magistrate Ist Class, Narnaul, dated 27.01.2017, is sought, by which an application seeking to lead additional evidence has been allowed.

Learned counsel for the petitioner submits that the document sought to be now produced by way of additional evidence (without referring to the provision of the Cr.P.C., i.e. Section 391 Cr.P.C.), was never even attached with the application filed by the respondent-claimant and the learned trial Court has simply allowed the application 'in routine'.

It is seen that the document that is sought to be led by way of additional evidence is taken to be an 'Acknowledgment of Debt' stated to have been signed by the petitioner in respect of a loan stated to have been taken by him from the complainant bank.

Learned counsel for the petitioner submits that the prosecution evidence having been closed, the application, at this stage, with the

document not even mentioned in the complaint itself, it is an attempt to fill up a lacuna and as such, the application filed by the complainant should have been dismissed.

In this regard, he relies upon two judgments of co-ordinate Benches of this Court in Bhim Singh vs. State of Punjab and another 2015 (6) RCR (Criminal) 552 and Varun Enterprises vs. Sunita Punia and another 2015 (3) DCR 179.

Having considered the aforesaid arguments, though undoubtedly if a document is sought to be relied upon by a complainant, it should at least find mention in the complaint, however, the respondent bank (complainant) being a public sector bank and obviously public funds being involved, I am not inclined to interfere with the order of the learned trial Court.

However, the trial Court would ensure that the document is scrutinized in entirety to determine as to whether it is genuinely an old existent document, or any attempt has been made to fabricate it simply to fill in a lacuna in the case of the complainant.

It goes without saying that the petitioner would obviously be given opportunity to raise arguments in respect of the genuineness of the document.

With the aforesaid observation, this petition is dismissed.

(AMOL RATTAN SINGH)
JUDGE

February 17, 2017
nitin

Whether speaking/reasoned	Yes
Whether Reportable	No.