

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-910-2017

Date of Decision: 15.05.2017

Amarjit Singh and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Manish Kumar Singla, Advocate,
for the petitioners.

Mr. Rajesh Mehta, Addl. Advocate General, Punjab.

Mr. G.S. Sandhu, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

It is seen that in the order dated 28.02.2017, it is recorded that though the petitioners have joined investigation, the receipts stated to have been issued by the deceased to the petitioner “he having allegedly borrowed money from the deceased”, are to be recovered.

Actually it has been recorded as aforesaid erroneously and it was actually the deceased who is alleged to have borrowed money from petitioner no. 1.

Hence, the order dated 28.02.2017, is ordered to be corrected accordingly and it would now read as follows:-

State submits on instructions that the petitioners have joined investigation but the receipts stated to have been issued by the deceased to the petitioner, the deceased having allegedly borrowed money from petitioner No. 1, are to be recovered, which the learned counsel for the petitioner submits are already on the record of the complaint filed against him under Section 138 of the Negotiable Instruments Act.

Adjourned to 18.04.2017.

Interim order to continue, till the next date of hearing.”

Mr. Singla, learned counsel for the petitioners, has produced in Court today certified copies of the receipts stated to have been executed by the deceased, Avninder Singh, on 20.11.2014 and 27.11.2014, as are stated to be Exs. C1 and C-2 respectively before the learned trial Court seized of the proceedings under Section 138 of the Negotiable Instruments Act, 1881.

The said certified copies have been handed over to learned State counsel, who in turn, has handed them over to ASI Inder Singh from Police Station GRPS Sirhind, District Fatehgarh Sahib.

Keeping in view the fact that receipts are stated to have been issued by the deceased in respect of Rs. 3,00,000/- stated to have been borrowed from petitioner no. 1 (Rs. 1.5 lacs on 20.11.2014 and Rs. 1.5 lacs on 27.11.2014) and such documents have been handed over and further, no document with regard to any return of money has so far at least been produced before this Court, though learned State counsel and counsel for the complainant have both contended that the Sarpanch and a member of the Panchayat of village Kuilgarh, District Fatehgarh Sahib, have made statements before the police that the deceased had returned the money, i.e. Rs. 15,50,000/- to petitioner no. 1, I see no reason, at this

stage to direct that petitioners be taken into custody for interrogation.

Consequently, the order dated 13.01.2017 is made absolute on the same terms and conditions.

However, nothing stated hereinabove will be taken to be an observation by this Court on the actual merits of the case, for or against the petitioners, which would be obviously subject matter of further investigation and trial if it comes to that stage.

May 15, 2017
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.