

Sr. No.132

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

**CRM-M-39107-2018
Date of decision:07.09.2018**

Lal Chand Verma

.....Petitioner

versus

Geeta Rani

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Shubhankar Baweja, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed challenging the Order of summoning the petitioner for an offence under Section 138 of the Negotiable Instruments Act, 1881 and complaint filed by the complainant in this regard.

Learned counsel for the petitioner has contended that the petitioner has never demanded the amount of Rs.5 lakhs from the complainant. In fact the petitioner has never met the complainant as such. It is further contended that the signatures on the cheque are not the signatures of the petitioner. In this regard, learned counsel has referred to Annexure P-4, the Pan Card of the petitioner, which shows the signature of the petitioner, in a manner different than the one found on the cheque. It is further contended that just to face the trial, the petitioner has to come from a distance of about 1000/- km. The complaint, summoning order and the consequent proceedings deserve to be quashed.

However, this Court does not find itself in agreement with the

arguments raised by learned counsel for the petitioner. The fact whether the signatures of the petitioner are there on the cheque or not, is a matter of evidence, which in any case the complainant would be required to prove. Similarly the contention of learned counsel for the petitioner, that the petitioner has never ever met the complainant and never borrowed the money, as claimed in the complaint, is also a subject matter of evidence, which can not be appreciated at this stage. For getting the petitioner punished, the complainant would be required to prove the legally enforceable liability against the present petitioner. This burden can be discharged by the complainant only when he is given a chance to lead evidence before the Trial Court. The argument of learned counsel that the petitioner has to come from a distance of 1000 km to face the trial, is totally irrelevant. This plea of the petitioner can, simply not be entertained by the Court in a challenge to the summoning order.

In view of the above, this Court does not find any ground to interfere. The petition is dismissed.

7th September, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*