

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

(I) CRM-M-12430-2017 (O&M)
Date of Decision:-22.1.2019

Arjun Bhanot ... Petitioner

Versus

M/s Gurdas Agro Private Limited ... Respondent

(II) CRM-M-12445-2017 (O&M)

Arjun Bhanot ... Petitioner

Versus

M/s Gurdas Agro Private Limited ... Respondent

(III) CRM-M-12451-2017 (O&M)

Arjun Bhanot ... Petitioner

Versus

M/s Gurdas Agro Private Limited ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amandeep Rai, Advocate for the petitioner.
Mr. Ashish Grover, Advocate for the respondent.

GURVINDER SINGH GILL, J.(Oral)

This order shall dispose of above said three petitions filed on behalf of petitioner Arjun Bhanot seeking quashing of identical complaints filed against him in respect of offence under Section 138 of Negotiable Instruments Act and also the summoning orders vide which he

was summoned and also the orders passed by the learned Sessions Judge, Ludhiana dismissing his revision petitions whereby the summoning orders had been challenged. Since identical orders have been passed and identical issues have been raised in three petitions, therefore, these are being disposed off by a common order.

The learned counsel has *inter alia* submitted that in the present cases infact as on the date of issuance of cheques, he was no longer a Director of the Company and in this context has drawn the attention of this Court to Annexure P-4 which is in the nature of an information maintained in the office of Registrar of Companies wherein it has been specified that the petitioner had in fact resigned w.e.f 17.7.2014 i.e. much before the date when the cheque was issued in October, 2014.

It has also been argued that in fact the complaints do not even disclose as to whether the petitioner was Incharge of the company or responsible for day to day affairs of the company.

It is, however, not disputed that in fact the trial is at fag end and is presently at the stage of recording of defence evidence.

In view of the aforesaid position where in fact the trial is at the stage of recording of defence evidence, this Court does not deem it appropriate to quash the complaints or the summoning orders as the issues raised herein can in fact be dealt with more effectively before the trial Court in context of evidence led before trial Court.

The petitions, as such, are dismissed with liberty to the petitioner to raise all the points raised herein before the trial Court and also to lead evidence in order to substantiate all his submissions. In case any

application for exemption is moved by the petitioner, the same shall be considered sympathetically and in accordance with provisions of law, by the trial Court.

The petitions stand dismissed with the aforesaid direction.

22.1.2019
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No