

S.No.205

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

CRM-M-12536 of 2015 (O&M)

Date of Decision:13.02.2019

Harmail Singh Petitioner

Vs.

Ramneet Singh Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- None.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking quashing of complaint No.54/2A/14 dated 05.08.2014 titled as Ramneet Singh v. Harmail Singh pending in the Court of Barjinder Pal Singh, Addl. CJM, SBS Nagar for the offence under Section 138 of NI Act and summoning order dated 17.09.2014 ordering the summoning of the petitioner to face trial.

Vide order dated 22.04.2015, notice of motion was issued in this case and the interim order was passed directing the trial Court to adjourn the case beyond the date fixed before this Court. Thereafter, the case is continuously being adjourned with the same interim order.

However, the order dated 08.12.2015 passed by this Court shows that witnesses have been examined and even cross-examination was ordered to be conducted; by this Court; on 14.12.2015, again with a direction that the trial Court would adjourn the case beyond the date fixed before this Court.

Thereafter, again the case has been repeatedly adjourned by this Court, either on the request of counsel for the petitioner or due to his absence. It appears that the trial has already reached to the point of logical conclusion, but for the stay being continued by this Court.

The petition involves quashing of complaint under Section 138 of NI Act and the order of summoning, passed thereon. However, the paper book of this case shows that the case has travelled much beyond the stage of summoning order. Even the cross-examination of prosecution witnesses has been completed; under the orders of this Court. Hence, there appears to be no reason for keeping the present petition as pending here, and thereby, precluding the trial Court from concluding the trial. It would be appropriate if the trial Court is granted liberty to proceed further with the trial and to complete the same.

In view of the above, the present petition is dismissed. The Trial Court is directed to proceed further with the trial in accordance with law.

February 13, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No