

134

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

**CRM-M-51566-2021 (O&M)
Date of Decision: 21.12.2021**

Sanjeev

.. Petitioner

Vs.

Gurmail Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Munish Gulati, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Accused/Petitioner has filed this petition under Section 482 Cr.P.C. to challenge the order dated 27.10.2021 (Annexure P-3) passed by JMIC, Ferozepur, whereby his application under Section 311 Cr.P.C. in case bearing No.NACT-757/2016 dated 02.09.2016, for producing the additional documents/orders relating to other complaints filed by respondent/complainant under Section 138 NI Act, 1881, was dismissed.

Learned counsel for the petitioner has argued that the complainant/respondent is habitual in filing such types of false complaints and has not taken any licence to engage himself in the business of lending money and to prove this fact, the petitioner had moved an application under Section 311 Cr.P.C. for summoning the files of three cases titled as (i) Gurmail Singh Vs. Gaurav Saluja (ii) Gurmail Singh Vs. Sonia Saluta (iii) M/s Gupta Building Material Vs. Gurmail Singh.

He submits that these cases would have direct bearing upon the merits of this case, but the Court refused to exercise the jurisdiction under Section 311 Cr.P.C. through the impugned order and dismissed the application. According to him, the impugned order is bad in law and

warrants interference by this Court.

During the course of hearing, it is not disputed by learned counsel that the defence evidence was closed by the petitioner in the year 2020 and the application has been moved recently. It was fairly conceded by the learned counsel that as per complainant, the accused/petitioner had taken a friendly loan and the cheque in question was issued to discharge the said liability/debt.

After hearing the learned counsel for the petitioner, this Court is of the opinion that the complainant has filed a criminal complaint for the alleged commission of offence punishable under Section 138 Negotiable Instruments Act, 1881. Merely because few other complaints are filed by the said complainant against other persons, the same shall have no bearing on the merits of this case. A perusal of the application (Annexure P-2) further reveals that the files of the cases sought to be produced before the present trial are also pending adjudication. Apart from it, the complainant in his cross-examination has already admitted the filing of other cases against other accused persons, therefore, the summoning of these files for the purposes of evidence in the present criminal complaint does not seem to be necessary. A reading of the impugned order shows that the trial Court has carefully considered the prayer made by the petitioner and other attending circumstances and rightly passed the impugned order by giving valid reasons.

Resultantly, no case is made out for interference.

Dismissed.

(MANOJ BAJAJ)
JUDGE

21.12.2021
Jasmine Kaur