

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

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**CRM-M-12919-2022
Date of Decision: 28.03.2022**

Rajni Bala ...Petitioner

Versus

Harpal Singh ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Bhavyadeep Walia, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 10.02.2022 (Annexure P-7) passed by learned SDJM, Nihal Singh Wala, District Moga, whereby an application filed by the petitioner under Section 145(2) of Negotiable Instruments Act seeking recalling of complainant Harpal Singh for his re-cross-examination has been dismissed. The ground set forth in Para 2 of application (Annexure P-5) filed in November, 2021 reads as follows:

“2.That multiple number of complaint cases filed by Harpal Singh complaint under Section 138 of the Negotiable Instrument Act suggests that Harpal Singh is indulged in illegal non-banking financial activities having the meaning assigned in the Prevention of Money Laundering Act 2002. Detail of which is attached with this application.

The factum of multiple number of complaint cases against multiple persons filed by Harpal Singh U/s 138 NI.ACT in different courts came into the knowledge of the applicant/accused recently. The detail of which is annexed with this application.”

2. A list of cases instituted by said Harpal Singh against various persons under provisions of Section 138 of Negotiable Instruments Act was

annexed with the application, wherein the following details were mentioned:

“A) Nihal Singh Wala Sub Divisional Judicial Court

1. Harpal Singh Vs. Gurmeet Singh NACT/102/2018 CNR No.PBMOA10005012018 CRM/110/2021 CNR No.PBMOA10012452021 dated 25.11.2021 Adv Harpreet Amount-5,50,000/- Cheque bearing No.009813.
2. Harpal Singh Vs. Sky World Immigration Services Pvt. Ltd. NACT/68/2019 Amount-55000/- Cheque No.109813
3. Harpal Singh Vs. Rajni Bala NACT/126/2018 Amount-5,00,000/- Cheque No.816143.

B) Sessions Courts Moga

1. Harpal Singh Vs. Davinder Singh.
2. Harpal Singh Vs. Jagjit Singh CNR No.PBM003002325-2014 (Decided on 25.01.2017).
3. Harpal Singh Vs. Kaura @ Karun Kaura CNRPBM003002277015(Decided on 09.12.2016)
4. Harpal Singh Vs. Rampal Singh NACT, CNR-PBM0030041152021.(Decided on 08.10.2021).
5. Harpal Singh Vs. Rampal Singh S/o Mukhtiar Singh NACT/373-2021(Decided on 13.10.2021) Amount 2,00,000/- Cheque No.000041.
6. Harpal Singh Vs. Parmjit Singh Sidhu NACT/370/2021 PBMO030033422021 Next date of hearing 07.12.2021 in the Hon’ble Court of Radhika Likhi(PCS) CJ(JD/JIMC) Amount 5,50,000/-Cheque No.000056.
7. Harpal Singh Vs. SKY World Immigration Service Pvt. Ltd. Negotiable 138, 142 (Next hearing date 16.03.2022).”

3. The trial Court while considering the aforesaid application observed that the application in question has been filed simply to harass and linger on the matter and that the same had been filed belatedly when not only the complainant’s evidence had been closed but even the statement of the accused in terms of Section 313 Cr.P.C. already stood recorded as on 30.01.2020.

4. I have heard learned counsel for the petitioner and have also perused the impugned order.
5. Having regard to the fact that the matter is now at the stage of recording defence evidence, this Court finds that the petitioner can very conveniently lead the evidence pertaining to the previous complaints filed by the complainant during the course of recording of defence evidence by examining the *Ahlmad*/record keepers concerned so as to prove the complaints in question. In these circumstances, this Court find that no prejudice is going to be caused in any manner by dismissal of this application under Section 145 (2) Cr.P.C. so as to recall the witness as the purpose would be well served by proving the aforesaid complaints during the course of defence evidence. In any case, the application would also suffer from delay and laches having been filed at the stage, when the matter was already at the stage of defence evidence. The order as passed by the trial Court does not suffer from any infirmity and is upheld.
6. The petition is *sans* any merit and is hereby dismissed.

28.03.2022

(GURVINDER SINGH GILL)

VY

JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No