

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

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CRM-M-43134-2022
Date of Decision: 19.09.2022

Praveen Lakhanpal Petitioner
Versus
State of Haryana and another Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Dr. Malkit Singh Jandiala, Advocate and
Ms. Ustat Rupeet Kaur Sandhu, Advocate for the petitioner.

Mr. Manish Bansal, D.A.G, Haryana.

ANOOP CHITKARA, J. (ORAL)

Seeking quashing of order dated 08.03.2022 of taking cognizance under Section 138 of N.I. Act and subsequent proceedings; the petitioner has come up before this Court.

The petitioner’s grudge is that the impugned order dated 08.03.2022 was passed without conducting any enquiry as envisaged in **Suo Motu Writ Petition (Crl.) No. 2 of 2020 decided on 16.04.2021, (2021) AIR (SC) 1957.**

A perusal of the impugned order reveals that the concerned trial Court has issued summons after due enquiry as provided under Section 202 Cr.P.C. It is to be borne in mind that the procedure under Section 202 Cr.P.C relating to 138 of N.I. Act cases have to be followed along with the presumption of Section 118 of N.I. Act which is on the accused.

Perusal of the impugned order reveals that the concerned trial Court had recorded the complainant’s preliminary evidence and after that issued summons against the petitioner, thus there is no illegality in such order, therefore, the petition is dismissed.

(ANOOP CHITKARA)
JUDGE

19.09.2022
Jyoti-II

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