

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

CRM-A-2460-MA-2018 (O&M)
Decided on : 12.12.2023

HDFC Bank

..... Applicant

Versus

Gurdial Singh

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Saurabh Bhardwaj, Advocate
 for the applicant.

Manjari Nehru Kaul, J.(Oral)

The present application has been filed under Section 378(4) r/w Section 372 Cr.PC for permission to file the appeal against the judgment of acquittal passed by the Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri dated 31.01.2017 dismissing the complaint filed by the applicant - HDFC Bank under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the Act').

2. Learned counsel for the applicant submits that after availing the agriculture loan limit, the respondent in order to discharge his legal liability, issued a cheque bearing no.198671 dated 07.03.2014 drawn on Bank of Punjab Ltd. for a sum of Rs.4,41,540/-. On being presented, the said cheque had been dishonoured vide memo dated 31.03.2014 with remarks "A/c Closed". Thereafter, statutory legal notice dated 15.04.2014 was issued to the respondent, however, he did not respond to the same. Therefore, the applicant filed a complaint under Section

138 of the Act. It has further been submitted that the Court below found that the Bank of Punjab Ltd. stood merged with the HDFC Bank on 23.05.2008 and, thereafter, Bank of Punjab Ltd. had ceased to exist from 23.05.2008. The Court below concluded that the cheque dated 07.03.2014 was drawn on a bank, which ceased to exist after 23.05.2008 and, therefore, the case set up by the applicant - HDFC Bank was doubtful. Still further, there was no existing liability of the accused towards the HDFC Bank as the cheque in question was issued as a blank signed security cheque only to the Bank of Punjab Ltd.

3. Heard learned counsel for the applicant and perused the relevant material on record.

4. Although, learned counsel for the applicant has strenuously attempted to make out a case in his favour, however, he has failed to bring to the notice of this Court any perversity or substantive error in the impugned order.

5. As a sequel to the above, the present application being devoid of any merit stands dismissed.

6. Since the application for leave to appeal has been dismissed on merits, no separate order is required to be passed in the application for condonation of delay.

12.12.2023
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(MANJARI NEHRU KAUL)
JUDGE

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