

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-9049-2024 (O&M)
Date of Decision:-20.3.2024

Satpal ... Petitioner
Versus
Punjab Gramin Bank ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashok Kumar Khunger, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner/accused assails order dated 12.2.2024 passed by learned Judicial Magistrate 1st Class, Abohar, District Fazilka to the limited extent, whereby his prayer for summoning Subhash Chander as a defence witness, has been declined.
2. The petitioner is facing trial for offence under Section 138 of Negotiable Instruments Act in a complaint instituted by the respondent/complainant – Punjab Gramin Bank. At the stage of defence evidence, the petitioner moved an application for summons two witnesses i.e. Subhash Chander and concerned record keeper/Clerk Judicial Record Room, Abohar. The Trial Court vide order dated 12.2.2024 declined the request of the petitioner to issue summons for effecting service upon Subhash Chander (DW) on the ground that the witness was not relevant to the case as the case against Subhash Chander had been filed by a different Branch of the respondent/complainant – Punjab Gramin Bank.

3. During the course of arguments, learned counsel representing the petitioner submitted that it was necessary to examine Subhash Chander so as to prove the *modus operandi* of the complainant, who had been taking blank cheques from the persons, who were extended loans by the bank. It has been submitted that even in the present case blank cheques had been taken and, as such, the petitioner would be able to fully substantiate his case in case Subhash Chander is allowed to examine as a defence witness.
4. This Court has considered the aforesaid submissions.
5. As already noticed by learned Trial Court, Subhash Chander was having cases with a different branch of the bank and, as such, the same would not be relevant for the purpose of adjudication of the present case. Still further, the question as regards existence of a legally enforceable liability would flow from the factum of advancement of loans by the bank and which the Trial Court will ascertain on the basis of evidence as may have been led by the bank in question subject of course to any evidence, which has the potential of demolishing such evidence. The examination of said Subhash Chander, who has been proceeded against by another branch of the respondent/bank, would not have any relevance to the present case.
6. Under these circumstances, this Court does not find any infirmity in the impugned order and the same is hereby upheld. Finding no merit in the present petition, the same is hereby dismissed.

20.3.2024

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No