

[249] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18629-2023
Date of Decision : 12.01.2024

Rajan Batra ...Petitioner

versus

Gurpreet Singh and anotherRespondents

Coram : **HON’BLE MR. JUSTICE DEEPAK GUPTA**

Present : Mr. Pranav Handa, Advocate for the petitioner.
Mr. Mohit Thakur, AAG, Punjab.
Mr. Vijay Lath, Advocate for respondent No.1.

DEEPAK GUPTA, J. (ORAL)

[1] By way of this petition filed under Section 482 Cr.P.C. petitioner prays for quashing of Complaint No.NACT/2050/2020 dated 24.06.2020 titled as ‘Gurpreet Singh versus M/s Bear Bull Share Brokers and another’ as filed by respondent No.1 against the petitioner under Section 138 of the Negotiable Instruments Act, 1881 pending in the Court of Ld. JMIC, Jalandhar, besides summoning order dated 19.01.2021 (Annexure P-2) and the subsequent proceedings on the ground that it was barred by limitation.

[2] It is contended by learned counsel that cheque in question was issued on 20.03.2020 whereas legal notice qua dishonour of the said cheque was issued by the respondent-company on 17.04.2020 but the complaint had been filed on 24.06.2020 i.e. beyond the period of limitation and so the complaint could not have been entertained.

[3] Notice of motion was issued.

[4] Appearance has been made on behalf of the respondents.

[5] Learned counsel for the respondents contends that it is because of the pandemic Covid-19 that limitation period was extended for all intents and purposes by Hon'ble the Supreme Court.

[6] Learned counsel has drawn attention towards Miscellaneous Application No.21 of 2022 in Miscellaneous Application No.665 of 2021 in *Suo Motu Writ Petition (C) No.3 of 2020* dated 10.01.2022 in *Re: Cognizance for Extension of Limitation- Petitioners with Miscellaneous Application No.29 of 2022 in Miscellaneous Application No.665 of 2021 in Suo Motu Writ Petition (C) No.3 of 2020, 2022(1) JLJR 329*, wherein, apart from others, following directions were issued by Hon'ble Apex Court:-

"I. The order dated 23.03.2020 is restored and in continuation of the subsequent orders dated 08.03.2021, 27.04.2021 and 23.09.2021, it is directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi judicial proceedings.

II. Consequently, the balance period of limitation remaining as on 03.10.2021, if any, shall become available with effect from 01.03.2022.

III. In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In the event the actual balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply.

IV. It is further clarified that the period from 15.03.2020 till 28.02.2022 shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings."

[7] It is quite clear from the aforesaid directions issued by Hon’ble the Supreme Court that due to extra ordinary situation arising out of the pandemic Covid-19, the period from 15.03.2020 to 28.02.2022 was directed to be excluded in computing the periods for the purposes of limitation. It was specifically mentioned in Direction No.IV that this period shall be excluded even for the purpose of provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881.

[8] In view of the above said directions of Hon’ble the Supreme Court, it is held that learned trial Court did not commit any error in issuing the summoning order by treating the complaint to be within limitation.

[9] Dismissed.

(DEEPAK GUPTA)
JUDGE

12.01.2024
'Rajneesh'

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