



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

120

CRM-M-53357-2024
Date of decision:05.11.2024

INDERJEETPetitioner

Versus

HARJEET SINGH ...Respondent

CORAM: HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present : Mr. Rythem Bajaj, Advocate
for the petitioner.

AMARJOT BHATTI. J.(Oral)

1. Petitioner-Inderjeet filed present petition under Section 528 of BNSS of 2023, with the prayer to set aside the impugned order dated 09.10.2024 (Annexure P-5) passed by learned Judicial Magistrate First Class, Abohar, District Fazilka in criminal complaint case No.NACT/24/2020 dated 08.01.2020 (Annexure P-1), titled as Inderjeet Vs. Harjeet Singh, whereby, application filed by petitioner under Section 348 of BNSS (Annexure P-2), has been wrongly dismissed, with further prayer to pass any direction which the Court may deem it fit and appropriate in the given facts and circumstances of the case.
2. As per the facts of the case, Inderjeet filed a complaint against Harjeet Singh under Section 138 of Negotiable Instruments Act, 1881, on the basis of dishonour of the cheque issued in his favour to the tune of Rs.1,17,000/-. Copy of the said complaint is annexed as Annexure P-1. During the pendency of the said complaint, present petitioner filed application under Section 348 of BNSS, 2023 seeking permission to tender/place on record a writing dated 14.06.2019,



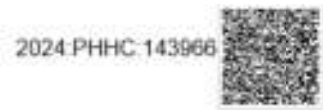
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regarding taking of friendly loan by respondent-Harjeet Singh. Said application was contested by respondent and was declined by passing impugned order dated 09.10.2024 (Annexure P-5). Feeling aggrieved of this order, present petition has been filed.

3. Learned counsel for the petitioner argued that petitioner merely wants to place on record the document/writing dated 14.06.2019, in the said complaint case and the admissibility of said writing will be subject to proof. Learned trial Court has failed to consider the relevancy of said document for adjudication of the complaint filed by the petitioner under Section 138 of Negotiable Instruments Act, 1881 and has wrongly declined the application under Section 348 of BNSS. With the aforesaid prayer, it is submitted that impugned order dated 09.10.2024 (Annexure P-5) may kindly be set aside and he may be permitted to place on record said writing dated 14.06.2019.

4. Learned counsel representing petitioner has placed on record all relevant documents including interlocutory orders passed in the said complaint case, therefore, no purpose would be served by giving notice to the respondent, as it will result into delay in the proceedings of complaint case.

5. I have considered the arguments and have gone through the record. Perusal of the file shows that the complaint filed by Inderjeet is still at the stage of recording evidence of the complainant. Statement of Inderjeet as CW1 has been completely recorded which is Annexure P-3. In order to support his complaint, he wants to place on record a writing dated 14.06.2019 (Annexure P-4), along with its vernacular vide which the respondent allegedly took friendly loan of Rs.1,17,000/-. It is not disputed that this document was not placed on record at



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the time of filing of complaint. Secondly, the document is allegedly signed by the parties and not witnessed by anybody.

6. Considering the matter in controversy, it cannot be said that this writing is not relevant to the facts of present case. Admissibility of writing dated 14.06.2019, its proof and relevancy can be looked into during the proceedings of said complaint. Respondent will also get full opportunity to rebut said document. Therefore, in my opinion said writing dated 14.06.2019 cannot be discarded. With these observations, impugned order dated 09.10.2024 (Annexure P-5) passed by learned Judicial Magistrate First Class, Abohar, District Fazilka is set aside and the petitioner/complainant Inderjeet is permitted to place on record said writing dated 14.06.2019 subject to all just exceptions.

7. Petition is accordingly disposed of.

8. Pending application(s), if any, stand disposed of accordingly.

05.11.2024
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No