

2024:PHHC:031898

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

124

CRM-M-62726-2023(O&M)
Date of Decision : **March 06, 2024**

PARGAT SINGH SEKHON

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Dr. Sumati Jhund, Advocate for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, prayer is made for quashing of complaint (COMA/14221/2021) instituted by respondent No.2, wherein, the petitioner has been summoned by the learned trial Court concerned vide order dated 18.10.2021, to face trial under Section 138 of the Negotiable Instruments Act.

2. The prime and the sole argument raised before this Court is that the cheque in dispute, which is alleged to have been issued by the petitioner, is infact issued as a security cheque and no legal liability accrued towards the petitioner, requiring him to face the trial under Section 138 of the Negotiable Instruments Act.

3. Since the issue, which has been raised, is a disputed question of facts and requires appreciation of evidence after the same being adduced by the complainant as well as by the accused, this Court in exercise of the powers under Section 482 Cr.P.C. cannot appreciate the

same at this stage.

4. Faced with the above, the learned counsel for the petitioner submits that she may be permitted to withdraw the instant petition, however, with liberty to raise all such pleas, as raised before this Court at an appropriate stage before the trial Court.
5. Dismissed as withdrawn with liberty aforesaid.
6. All the pending applications, if any, stand disposed of.

March 06, 2024
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(KULDEEP TIWARI)
JUDGE

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