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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No.18705-2025
Date of Decision:-07.04.2025

RAVINDER SINGH BAJWA @ RAVI

... Petitioner

Versus

STATE OF PUNJANB & ANOTHER

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Amit Dhawan, Advocate, for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J (ORAL)

1. Instant petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita for quashing of the impugned order dated 27.02.2025 (Annexure P-9), passed by learned Judicial Magistrate First Class, Jalandhar, in trial case bearing No. CHI/1316/2023 titled as "Stae of Punjab vs. Ravinder Singh Bajwa and others" in FIR No. 39 dated 04.03.2021 under Sections 406, 420, IPC and Section 24 of Immigration Act, 1983(offence under Section 24 of Immigration Act deleted later on) and Section 13(1) of Punjab Travel Professional's Act 2014, Police Station Kartarpur, District Jalandhar (Rural), whereby the application filed by the respondent No.2/complainant under Sections 348, 94 of Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023 has been allowed.

2. Brief facts of the case are that complainant-respondent No.2

Inderjit Singh filed a complaint to the effect that he was having acquaintance with Ravi Bajwa and Sunny Bajwa and both the accused came to his village and told him that they will send him to America as they are doing the work of travel agent and it will cost ₹28 lakh. They told him that in order to get a tourist visa for America first he has to go to Greece and there he will get visa to America and demanded ₹5 lakh for arrangement of tickets and Visa. The complainant on 20.03.2019 gave ₹5 lakh and his passport to them . On 09.04.2019 accused presented him in Greek Embassy and after some time received visa. On 15.05.2019 both the accused sent the complainant to Greece and instead of sending further to America they forcibly sent him to Mexico and also threatened him on mobile phone to give money to them. Complainant called his wife and Numberdar Ranjit Singh to contact the accused but they asked for remaining balance amount. On 22.05.2019 Kamaljit Kaur, wife of the complainant gave ₹14 lakh and ₹5 lakh on 26.05.2019. Even after receiving the balance amount they demanded ₹4 lakh more. However, after some time he crossed the Mexico border and from there American police arrested him and deported him back to India on 22.11.2019. After reaching India, complainant asked the accused to return money but they refused. Neither they sent him to America nor returning the money therefore, cheated him. Hence the FIR (Annexure P-1)was registered.

3. Further, a complaint was registered by the present petitioner-against the aforesaid Inderjit Singh-respondent No.2 and the same was registered as FIR No. 0201 dated 11.12.2022 under Sections 379, 465, 467, 468 and 471, IPC, Police Station Kartarpur, District Jalandhar Rural

(Annexure P-3) stating that Inderjit Singh during his bail petition in CRM-M-19935-2021 pending in Punjab and Haryana High Court had deposited two cheques bearing No. 045013 and 045014 amounting to ₹2,50,000/- each by affixing fabricated signatures thereon. The said Inderjit Singh had put his bogus signatures and under a conspiracy, to implicate him in a false case of Agent and had presented the aforesaid cheques in Punjab & Haryana High Court to mislead the Court. Hence, the aforesaid FIR (Annexure P-3) was registered.

4. It is *inter alia* contended by learned counsel for the petitioner that in the learned trial Court in the FIR No. 39 (Annexure P-1) an application under Sections 348/94 of BNSS (Annexure P-7) was moved by complainant Inderjit Singh to prove the cheques bearing No. 045013 and 045014 amounting to ₹2,50,000/- each drawn on ICICI Bank Limited alongwith entry of issuance of cheque book register of account No. 008201015495, account opening form, by examining the Branch Manager of ICICI Bank and also the Investigating Officer of FIR No 201 (Annexue P-3) to produce the original cheque by way of additional evidence. He contends that reply of the aforesaid application was filed (Annexure P-8) opposing the same and vide impugned order dated 27.02.2025 (Annexure P-9) learned Judicial Magistrate First Class-NRI, Jalandhar had allowed the application (Annexure P-7).

5. Learned counsel for the petitioner has contended that learned trial Court has failed to appreciate the fact that the complainant/respondent No.2 did not plead either in his complaint/FIR 39(Annexure P-1) or during investigation qua the handing over the aforesaid cheques in question as

security and in the challan dated 15.02.2023 (Annexure P-4) against petitioner nothing was mentioned about the two cheques issued to the complainant Respondent-2. Even though complainant-respondent No.2 Inderjit Singh had appeared in trial as PW2 and in his statement dated 05.09.2024 (Annexure P-6) did not claim that the petitioner had issued any cheques in his favour as security. He contends that the impugned order dated 27.02.2025 (Annexure P-9) is based on surmises and conjectures and suffers patent illegality, moved with ulterior motive just to fill in lacuna and to delay the matter, as such he prays for setting aside the orders passed by the learned trial Court.

6. Notice of motion to respondent No.1 at this stage.

7. On the asking of the Court Mr. Ankit Grewal, DAG, Punjab accepts notice on behalf of respondent-State and has assailed the arguments raised by learned counsel for the petitioner by submitting that the learned trial Court has allowed the application in accordance with law and no illegality is there in the impugned order, hence prayed for dismissal of the present petition.

8. After considering the rival contentions and perusing the record, it is observed that admittedly the petitioner is facing trial in case FIR No. 39 dated 04.03.2021 (Annexure P-1). After presentation of challan, prosecution has examined the complainant Inderjit Singh as PW-2 (Annexure P-6) wherein, during the examination in chief the learned Additional Public Prosecutor for the State had sought adjournment thereof for moving an application under Section 348/94 BNSS for producing the cheques dated 03.03.2019 alongwith entry of issuance of the cheque book, account opening

form by examining the concerned Branch Manager and also the Investigating Officer of the case in FIR No. 201 (Annexure P3).

9. On the application so moved vide (Annexure P-7) by the prosecution, the petitioner filed reply (Annexure P-8) and after hearing the arguments learned Magistrate passed impugned order dated 27.02.2025 (Annexure P-9).

10. A perusal of record would reveal that the instant application had been moved by the complainant through prosecution alleging that the accused had issued the aforesaid cheques as security to the complainant which could not be handed over to the Investigating Agency, however during hearing of the bail application of the petitioner the aforesaid cheques were produced before the High Court and as such the production and proving of the such cheques is very much essential for the just and fair decision of the case, the accused-petitioner has assailed the application mainly on the ground that allowing such application would tantamount to filling up of lacuna besides causing delay.

11. With the assistance of learned counsel for the petitioner and learned State counsel the record has been perused. A perusal of impugned order date 27.02.2025 (Annexure P-9) would reveal that the learned Magistrate while allowing the application has given reasons for doing so. It is mentioned therein that the application has been moved for production of cheques in question which complainant had allegedly received from the accused as security cheques and proof thereof by summoning the record regarding the account opening form etc. Certainly, the said cheques or account opening form etc. are documents in nature which cannot be created

later on nor the factum as to the issuance of the cheques from a particular account owned by a specific account holder be fabricated and whatever is there on the record has been summoned. In the allegations of the case, production of such cheques and other documents such as account opening form etc. are relevant piece of evidence. The learned trial Court has just summoned the documents which are yet to be proved during course of trial by examining the Bank Manager and also the Investigating Officer, and once it is done, the petitioner will have ample opportunity to cross-examine those witnesses qua the genuineness and veracity of the documents or its relevance and in this manner no irreparable loss or injury is at all suffered by the petitioner with the passing of the impugned order. Even otherwise it does not suffer from any illegality or infirmity so as to call for any interference by this Court. Therefore, keeping in view the above discussion and finding no merit in the instant petition, to interfere in well reasoned order passed by learned Magistrate in accordance with law, the petition is hereby dismissed.

12. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

07.04.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No