

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

**CRM-M-54496-2025
Date of decision: 25.09.2025**

ABHAY SINGH

...Petitioner

VERSUS

KRISHAN KUMAR

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

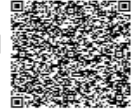
Present: Mr. Shashikant Gupta, Advocate
for the petitioner.

YASHVIR SINGH RATHOR, J. (Oral)

1. This petition under Section 528 of BNSS, 2023 has been moved for quashing of impugned order dated 16.07.2025 (Annexure P-6) passed by learned Judicial Magistrate First Class, Narnaul in complaint case No. N.I.ACT-872/2019 dated 18.09.2019 titled as 'Krishan Kumar Vs Abhay Singh under Section 138 of the Negotiable Instruments Act.

2. I have heard learned counsel for the petitioner and have gone through the material on the file.

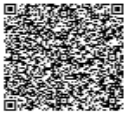
3. By way of an application under Section 311 Cr.P.C, the complainant wanted to lead in evidence the pronote and receipt and to tender the same in evidence, submitting that earlier the photocopies of the same were lead in evidence and now, he wants to tender the original pronote and receipt. As per version of complainant, accused had taken a loan of Rs.12,00,000/- with interest and had executed pronote and



receipt dated 20.11.2018. Thereafter, settlement was arrived at and the cheque in question was issued, which has been dishonored. The photocopies of the pronote and receipt were annexed with the complaint and were also lead in evidence but the original could not be lead earlier. Learned trial Court came to the conclusion that getting these documents on record in original is essential for just decision of the case and since, photocopies of the same have already been lead in evidence, the merits of the case are not going to be effected, in case, original is allowed to be lead in evidence and the application was allowed and documents were allowed to be tendered as Exhibit C-9 and Exhibit C-10.

4. No doubt, the trial Court has rightly allowed the complainant to lead the original pronote and receipt in evidence but opportunity should have been given to the accused to cross-examine him and these documents could not have been straightaway tendered as the same are not *per se* admissible. Rather, the pronote and receipt are required to be proved in accordance with law either, during examination of the complainant or by examination of the attesting witnesses, if any, available and only thereafter, the documents could be tendered in evidence after affording opportunity to accused to cross-examine the complainant or the witness, if any. Learned trial Magistrate has, thus, committed an error while allowing the complainant to tender these documents straightaway and by dispensing with the mode of proof.

5. Resultantly, impugned order is partly set aside and it is directed that trial Court shall recall the complainant or witness, if any,



whom complainant wants to examine to prove the pronote and receipt and thereafter, the documents shall be allowed to be led in evidence, after giving opportunity to the accused to cross-examine the complainant or the said witness. With these observations, the present petition is hereby disposed of.

25.09.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

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