

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

189

CRM-M No.14282 of 2026 (O&M)
Date of Decision:16.03.2026

Mukhtiar Singh

.....Petitioners

Versus

Jarnail Singh

..... Respondent

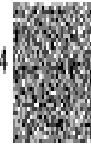
CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. S.S.Momi, Advocate for the petitioner.

SURYA PARTAP SINGH, J. (Oral):

The extraordinary jurisdiction vested by virtue of Section 528 of 'Bharatiya Nagrik Surakhsa Sanhita 2023', has been invoked in the present petition. This petition has been filed for quashing of order dated 04.02.2026, passed by the learned Sub Divisional Judicial Magistrate, Guhla. The above mentioned order has been passed while dealing with an application under Section 311-A, filed by the petitioner (accused in the complaint). The abovesaid application was filed for directions, to DW-15 (Gurinderpal Singh) and DW-16 (Lal Singh) to furnish their specimen signatures for the purpose of comparison with the documents relied upon by the petitioner.

2. In nut-shell the facts emerging from record are that the petitioner is facing a trial for the commission of an offence, punishable under Section 138 of Negotiable Instruments Act 1881, hereinafter being referred to as 'N.I. Act', only. In the above mentioned trial when the case was fixed for defence evidence, two witnesses, namely Gurinderpal Singh and Lal Singh were

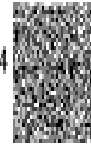


examined as DW-15 & DW-16, respectively. It has been alleged by the petitioner that there were certain slips, in the handwriting of DW-16, indicating that the money paid by the complainant to the petitioner was, in fact, the sale price of agricultural produce of the petitioner, and not the debt as claimed by the respondent in the complaint under Section 138 of NI Act.

3. Heard.

4. It has been contended on behalf of petitioner that in the complaint case being tried by the learned Sub Divisional Judicial Magistrate, Ghula, one of the crucial aspect to be determined is the existing liability of the petitioner towards the complainant (respondent herein). According to learned counsel for the petitioner although the initial burden to prove the existence of such liability lies upon the complainant, yet, upon the discharge of above mentioned burden the onus shifts upon the accused (petitioner herein) to show that he had no such liability. As per learned counsel for the petitioner in order to discharge the above mentioned burden it is necessary that the slips (kachha parchies) being relied upon by the petitioner during the course of examination of witnesses in the present case be proved by the comparison of handwriting on the above mentioned slips.

5. According to learned counsel for the petitioner in order to facilitate the comparison of handwriting on the slips the specimen handwriting of DW-15 and DW-16 were required and for that purpose, only, the application was filed before the learned trial Court, but on the basis of assumptions and presumptions the learned trial Court has failed to appreciate the legal intricacies involved in the present case, and dismissed the above mentioned



application. The learned counsel for the petitioner, has further contended that the learned trial Court has committed an error of judgment while dismissing the above mentioned application and that in order to do complete justice, it is necessary that by setting-aside the order passed by the learned trial Court on the above mentioned application, i.e. the impugned order, the petitioner be permitted to seek the specimen handwriting of DW-15 and DW-16 and then get it compared by handwriting and fingerprint expert.

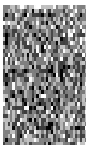
6. The record has been perused carefully.

7. A perusal of record shows that in the present case there are two aspects which are necessary to be taken into consideration:

- (a) Whether a direction can be given to DW-15 and DW-16, who are strangers to the present case, to give their specimen handwriting?
- (b). Whether the specimen handwriting to be given by DW-15 and DW-16 would help him in arriving at a proper decision in the present petition.

8. With regard to above mentioned points involved in the present case, it is relevant to mention here that the persons, whose handwriting has been sought by the petitioner are not a party to the present litigation, neither as complainant nor as accused. Thus, being a third party, who have appeared in the witness-box as a witness only, a direction cannot be given to give specimen handwriting.

9. Be that as it may otherwise also the specimen handwriting of DW-15 and DW-16 is not going to help the petitioner's case, in any manner



whatsoever, as the dispute in the present case is with regard to transaction related to a cheque whereas the petitioner is relying upon kacha parchies (slips), the credibility of which is otherwise doubtful.

10. In addition to above, in the instant case, this fact cannot be ignored that for the sake of arguments even if the contention raised by the petitioner is accepted on its face value, even then the proof of above mentioned slips is not going to make any difference in the outcome of the case, as it does not bears the signature of the complainant.

11. Taking into consideration the cumulative effect of all the above mentioned factors it is hereby observed that no error, either of judgment or of appreciation of law, has been committed by the learned trial Court while declining the request of the petitioner, vide impugned order. As a sequel to above mentioned observations it is hereby held that there is no scope for indulgence and interference in the impugned order, and the present petition, being devoid of merits deserves dismissal. Hence, the same is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

16.03.2026
Manoj Bhutani

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