



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

145

**CRM-M-59699-2022 (O&M)
Decided on: 12.03.2026**

DALBIR**.....Petitioner**

Versus

DALBIR SINGH**...Respondent****CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr. R.S. Sangwan, Advocate
for the petitioner.

Mr. S.S. Duhan, Advocate for the respondent.

SUBHAS MEHLA, J. (Oral)

1. The present petition has been filed under Section 482 of Cr.P.C. for quashing of Complaint No.741 dated 09.11.2021 under Section 138 of Negotiable Instruments Act pending before Judicial Magistrate First Class, Jind as well as summoning order dated 05.04.2022 (Annexure P-2) and summons dated 23.09.2022 (Annexure P-3) and for direction to the trial Court to consider all the documents and to pass a speaking order before summoning the petitioner.

2. Learned counsel for the petitioner contended that no reasoning has been given while passing the summoning order and the same is cryptic. It is further contended that there is no liability on the part of the petitioner as the petitioner has returned the whole amount of Rs.18.20 lakh qua the alleged agreement to sell; this is a civil matter between the parties regarding execution of alleged sale agreement and the



cheque in question was given due to an agreement to sell between the parties.

3. On the other hand, learned counsel for the respondent-complainant opposed the prayer made on behalf of learned counsel for the petitioner by stating that the petitioner has not filed a revision petition against the impugned summoning order and as such, the present petition is not maintainable. It is further contended that there are the disputed questions of fact and that is required to be adjudicated upon, during the trial. He further contended that as far as reasoning by the trial Court while passing the impugned summoning order is concerned, the trial court has given the reasoning while issuing summons that imprisonment for a term longer than one year may be warranted, the complaint case is taken to be tried as summons case.

4. Heard

5. Keeping in view the facts and circumstances of the present case, this Court is of the opinion that as far as reasoning given by trial Court is concerned it does not suffers from infirmity. As far as, the contention raised by learned counsel for the petitioner that as the present matter pertains to execution of agreement to sell & the cheque in question and in response to legal notice issued to the petitioner, the same has also been replied by the petitioner while admitting to the fact that the petitioner had issued a blank cheque, therefore, these are the questions of the disputed facts which can be adjudicated upon by the trial Court and the petitioner is at liberty to raise all these pleas before the trial Court at



an appropriate stage of the trial proceedings. Hence, this Court does not find any merit in the present petition and the same is hereby dismissed.

(SUBHAS MEHLA)
JUDGE

12.03.2026
Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO