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

CRM-M-52133-2019

Date of Decision: 15.05.2026

Uploaded on: 16.05.2026

SURINDER SINGH @ KAKA**... Petitioner****Versus****STATE OF HARYANA & ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Pankaj Kaushik, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

Mr. Satyavir Singh Yadav, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 10.10.2019 passed by the JMIC, Karnal in complaint case No.3108/18 whereby the application preferred by the petitioner for permission to compare handwriting of the complainant from the original documents placed on the file with the standard handwriting of the complainant has been dismissed.

2. The brief facts of the case are that the complainant/respondent No.2 (hereinafter referred to as the respondent No.2) filed a complaint under Section 138 of the Negotiable Instruments Act against the petitioner/accused (hereinafter known as the petitioner) with the allegations that a cheque for an

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amount of Rs.2,00,000/- issued by the petitioner in lieu of an earlier loan taken by him was dishonoured. During the course of the Trial, when the cross-examination of the respondent No.2 was taking place certain documents were shown to him pertaining to him purportedly being a commission agent. He initially admitted his handwriting on the documents but later refused to do so. It was in this situation that the application was moved for comparison of the handwriting on those documents with the admitted handwriting of the respondent No.2 which application came to be dismissed and has been challenged in the present petition.

3. The learned counsel for the petitioner contends that it is the case of the petitioner set up in the cross-examination of his respondent No.2 that the cheque in question was lying with the respondent No.2 as a security cheque as the respondent No.2 was the commission agent for the petitioner. The respondent No.2 had initially admitted his handwriting on the said documents but immediately denied the same. For the just adjudication of the case and in order to prove his case the comparison of the handwriting available on the documents with the admitted handwriting of the respondent No.2 is essential. The petitioner can only establish by way of defence that the respondent No.2 was a commission agent but cannot establish that the respondent No.2 was a commission agent of the petitioner which can only be established once it is found that the handwriting on the documents shown to the respondent No.2 is that of respondent No.2 only. Therefore, the impugned

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order dated 10.10.2019 is liable to be set aside and the said documents be sent for handwriting/finger print analysis to an expert.

4. On the other hand, the learned counsel for respondent No.2 contends that he had advanced a loan of Rs.2,00,000/- to the petitioner. The cheque was issued by the petitioner as a refund of the said amount which came to be dishonoured. Documents (C-6) has been executed by the petitioner admitting the factum that a sum of Rs.2,00,000/- is to be paid to the respondent No.2. The petitioner can establish by way of defence evidence that the respondent No.2 was doing the business of a commission agent in Grain Market, Nissing. Therefore, the moving of the application is nothing but a delaying tactic and hence was rightly dismissed.

5. I have heard the learned counsel for the parties.

6. As per the case of the complainant a sum of Rs.2,00,000/- was advanced by him to the petitioner as a loan for domestic purposes. With a view to refund the same, the cheque came to be issued which has been dishonoured leading to the filing of a complaint under Section 138 of the NI Act. It is the case of the petitioner, however, that the cheque in question was lying in the custody of the respondent No.2 as the respondent No.2 was the commission agent for the petitioner. The said cheque has been misused. Certain documents showing the business dealings between the petitioner and respondent No.2 were initially admitted by respondent No.2 but thereafter denied. In this situation, it becomes imperative that the handwriting on the said documents is examined so as to ascertain whether the documents in



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question are in fact written by the respondent No.2. Therefore, with a view to establish the defence of the petitioner, the examination of the handwriting on the said documents becomes relevant. The respondent No.2 will have an opportunity to cross-examination the witnesses, if so required and as such no irreparable loss will be suffered by him in case the application for handwriting comparison is allowed.

7. In view of the aforementioned discussion, I find considerable merit in the present petition. Therefore, the order dated 10.10.2019 passed by the JMIC, Karnal is hereby quashed. The Trial Court is directed to send the original documents in question to FSL, Madhuban to be compared with the admitted handwriting of respondent No.2. The FSL, Madhuban shall examine the documents and furnish its report within a period of four weeks from the receipt of the documents. The Trial Court shall thereafter conclude the Trial within a period of 08 weeks from the date of receipt of the report of the FSL.

(JASJIT SINGH BEDI)
JUDGE

15.05.2026

JITESH

Whether speaking/reasoned:- Yes/No**Whether reportable:- Yes/No**