

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

CRM-M-25289-2022
Date of Decision: 02.06.2022

Harjit Singh

...Petitioner/Applicant

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Anil Chawla, Advocate
for the petitioner-applicant.

Mr. Karanbir Singh, AAG Punjab.

VINOD S. BHARDWAJ J.

The instant petition is filed under Section 482 of the Code of Criminal Procedure 1973 seeking directions to the respondent authorities to call for the status report on the representation dated 06.05.2022 (Annexure P-1) submitted by the petitioner regarding the alleged fraud played by the private respondents.

Learned counsel appearing on behalf of the petitioner inter alia contends that the petitioner got acquainted with respondent No. 5 who had apprised that his father is posted in the security of Chief Minister, Punjab and that on the asking of the petitioner, respondent No. 5 told that upon incurring an expense of Rs. 8 lacs, son-in-law of the petitioner can be secured an appointment in Punjab Police.

Learned counsel for the petitioner further contends that relying upon the said assurance, an amount of Rs. 8 lacs was alleged to have been paid to the private respondents in different installments in the year 2017. It is further contended that when nothing happened and time elapsed, the

petitioner started demanding his money back in the year 2019. Eventually in the year 2020, a sum of Rs. 2 lacs was returned by the said respondents to the petitioner and that for balance amount, two cheques of Rs. 2 lacs each dated 23.12.2020 and 31.12.2020 drawn on Punjab and Sind Bank Paniar, District Gurdaspur have been issued. He submits that the aforesaid cheques were not presented as the respondents requested the petitioner not to present the said cheques unless they ask the petitioner to do so. It is further contended that eventually upon presentation of the cheques in December 2020, the same were dishonoured. It is contended that relying on assurance made by the respondent that the payment shall be made he did not institute any complaint under Section 138 of the Negotiable Instruments Act, 1881. It is further contended that the said respondent has thus committed a fraud with the petitioner and that a representation in this regard has already been submitted to the DSP, Gurdaspur, however, no action has been taken thereupon.

I have heard the learned counsel for the petitioner and have gone through the contents of the petition.

A perusal of the same shows that the transaction in question is alleged to have taken place in the year 2017 and the cheque in question is stated to have been dishonoured in January 2021. The submission of the representation and approaching this Court is apparently an attempt on the part of the petitioner to arm twist the respondents to issue fresh cheques as the time period for institution of the complaint pursuant to the earlier cheques having been dishonoured has already expired since then. The process of law cannot be taken recourse to circumvent the due procedure

prescribed in law. There is further no reason why the petitioner cannot take recourse to institution of appropriate proceedings before the competent authorities in accordance with law. There is, thus, no merit in the present petition and the same is apparently an attempt circumvent the due process of law and to deploy the same to pressurise and arm twist the respondents.

The present petition is, therefore, dismissed.

(VINOD S. BHARDWAJ)
JUDGE

02.06.2022
Ajay Goswami

Whether speaking/reasoned	Yes
Whether reportable	Yes/No



सत्यमेव जयते

