

HDFC Bank versus Bhupinder Singh
Nact 352/2026

Present: Sh. Suresh Goyal Adv. Counsel for complainant.

Today case was fixed for consideration on point of summoning. In preliminary evidence Gurwinder Singh, Assistant Manager already examined as CW1. The case is at the stage of issuing notice under section 223 BNSS to the accused. It has been held by Hon'ble Supreme Court of India in **Sanjabij Tari Vs Kishore S. Borcar & Anr. 2025 INSC 1158** that since NI Act is a special enactment there shall be no requirement to issue summons to accused in terms of section 223 of BNSS, 2023 i.e. at the pre-cognizance stage as per proviso-I to Section 223 (1) of BNSS, 2023.

Accordingly, in view of above mentioned judgment, arguments on the point of summoning the accused were heard today. After hearing the arguments and perusing the oral as well as documentary evidence i.e. original cheque no.000002 dated 17.02.2026 as Ex. C1, memo dated 17.02.2026 Ex. C2, legal notice dated 03.03.2026 Ex.C3, postal receipt 03.03.2026 Ex.C4, power of attorney Ex.C5; this court is of the view that there are sufficient grounds for proceeding against the accused under Section 138 of the Negotiable Instruments Act, 1881.

Since it is settled law and held by Hon'ble Supreme Court of India in various judgments that a summoning order in cases under Section 138 of the N.I. Act is not required to furnish detail reasons having due regard to the summary nature of the proceedings, accused is hereby summoned to face trial under Section 138 of the Negotiable Instruments Act, 1881 for 18.08.2026. Accused be summoned through process serving agency as well as through E-mail, Whatsapp number, mobile number, or any other electronic means as well as on filing of PF/RC/AD copies of complaint within a week. Dasti summons be also given if so desired.

Date of Order:04.07.2026

Jaspreet Kaur STG-III
(direct dictation)

(Lavleen Sandhu), PCS
JMIC/Moga(UID no.PB00506)