

Indusind Bank Ltd. Vs. Gurpreet Batish NACT-1034-2025

Present: Sh. Vishal Kaushal Advocate, counsel for the complainant.

CW-1 Parvinder Singh Manager of complainant bank is present and tendered into evidence his duly sworn affidavit Ex. CW1/A alongwith documents Ex. C1 to Ex. C7 and closed his preliminary evidence.

Heard on point of summoning of accused. Complainant stepped into the witness box as CW1 and reiterated the whole sequence of event in minute details through his affidavit Ex.CW1/A, as got detailed by him in his written complaint. He has also placed on record documents i.e. Ex.C1 to Ex. C7. In this case accused is residing beyond the jurisdiction of this Court. At this stage, I would rely upon the case law of the Hon'ble Punjab and Haryana High Court in case titled as **Tridweep Singh Malhan Vs. Bharat Bhushan 2026(1) RCR Criminal 608** in which it has been held that “*Applicability in cases under section 138 of NI Act. Section 202 Cr.P.C., which requires the Magistrate to conduct an inquiry before issuing process when the accused resides beyond the jurisdiction of the Court, is not mandatory in complaints under section 138. The Magistrate can rely on preliminary evidence sworn depositions, or documents on record to determine if there are sufficient grounds for proceedings.*” Reliance is also placed upon the case of **Re: Expeditious Trial of Cases under Section 138 of NI Act 1881, (2021) 16 SCC**, Therefore, I am of the considered opinion that though the accused resides beyond the jurisdiction of this Court but

in view of judgments referred herein inquiry under Section 202 Cr.P.C./225 BNSS is not required to be conducted.

Now after perusing the statement of the complainant and going through the documents placed on record by him, this Court is of the considered opinion that there are sufficient grounds to proceed against the accused under Section 138 of Negotiable Instrument Act. No detailed reason is required to be given for summoning of the accused in view of the law laid down by the Hon'ble Apex Court in the case of **U.P. Pollution Central Board Vs. M/s Mohan Meakins Ltd. And other** 2000(2) RCR 421 and reiterated in **DV CCI and E vs. Roshan Lal Aggarwal** 2013(2) RCR Criminal 110(SC).

Similarly, the Hon'ble Apex Court in case titled as **Kanti Bhadra Shah and Anr. Vs State of West Bengal** 2000(1) SCR Page 27, has held that :

“At the summoning stage recording of detailed reasons are not required.”

Accordingly, the accused is ordered to be summoned to face trial for above said offence for 24.08.2026 on filing of PF/RC. Dasti process be issued, if so desired.

Dated:22.05.2026
Neeraj

(Abhay Rajan Shukla)
JMIC/SAS Nagar
UID No.PB0547