

GURPREET SINGH Vs RAJINDER SINGH

Present: Complainant with counsel Sh.Yogesh Gupta, Advocate.

Gurpreet Singh complainant tendered into preliminary evidence his duly sworn affidavit Ex.CW1/A and tendered documents i.e. original cheque bearing no.000987 dated 03.10.2025 of Rs.10,00,000/- as Ex.C1, memo dated 20.12.2025 as Ex.C2, legal notice dated 19.01.2026 Ex.C3, postal receipt dated 19.01.2026 Ex.C4 and thereafter closed preliminary evidence.

Heard on the point of summoning of accused. This Court is of the view that there is no need to issue notice to the accused as cognizance in complaint under Section 138 of NI Act is being taken under section 142 of NI Act and not under the provisions of Bhartiya Nagarik Suraksha Sanhita, 2023 as Negotiable Instruments Act is a Special Act.

I have perused the complaint and the evidence on record. The complaint is within limitation period. Despite demand notice, the accused has not paid the cheque amount, therefore, there are sufficient grounds to proceed against accused for commission of an offence punishable under Section 138 of Negotiable Instruments Act. Accordingly, accused is ordered to be summoned to face summary trial of the offence punishable under section 138 of Negotiable Instruments Act for **24.08.2026** through ordinary process as well as on filing of RC/AD.

Special summons be issued to the accused directing him and giving him an opportunity to pay the cheque amount in the Court either in person or through his authorized representative or through money order or demand draft within a period of 15 days from the date of receipt of these summons or after his appearance in the Court by moving an application in this regard to compounding of the

offence by paying the cheque amount in terms of the directions of Hon'ble Supreme Court in *Damodar S. Prabhu v. Sayed Babalal H.*, (2010) 5 SCC 663 and Sanjabij Tari Vs. Kishore S. Borcar and anr. 2025 INSC 1158.

Date of Order: 03.06.2026
Yogita, Steno

(Manni Arora)
Additional Chief Judicial Magistrate,
Barnala
UID No . PB00313