

ITEM NO.37

COURT NO.7

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s).44330/2023

(Arising out of impugned final judgment and order dated 12-10-2023 in CRR No. 3456/2019 passed by the High Court Of Punjab & Haryana At Chandigarh)

HARPAL SINGH

Petitioner(s)

VERSUS

THE STATE OF HARYANA & ANR.

Respondent(s)

(IA No.244404/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.244405/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS and IA No.244403/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 04-12-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Maninder Singh, Sr. Adv.
Mr. Vaibhav Manu Srivastava, AOR
Mr. Apoorv Agarwal, Adv.
Mr. Maitreya Saha, Adv.
Ms. Riya Thomas, Adv.

For Respondent(s) Mr. Himanshu Sharma, AOR
Mr. Lokesh Solanki, Adv.
Mr. Prateek Bajaj, Adv.
Ms. Muskan Chauhan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

2. Heard Mr. Maninder Singh, learned Senior Counsel appearing for the petitioner.
3. The counsel would submit that the concerned bank account was frozen by the police on 10.03.2015 and therefore the petitioner

should not face conviction for the offence, under Section 138 of the *Negotiable Instruments Act 1881*.

4. However, it is seen from the impugned judgment itself that although ten cheques totaling a sum of Rupees Eighty Lakhs was issued by the petitioner, at the relevant point of time, the concerned bank account had maximum deposit of Rs. 18,52,033/-. This would indicate that the benefit of the judgment relied upon by the petitioner to point out his incapacity in operating the bank account, will not aid the petitioner.

5. The Senior Counsel would then refer to the funds available with the petitioner in different bank accounts, as shown from Annexure P-12, to say that the petitioner had sufficient balance in those bank accounts.

6. In a proceeding under Section 138 of the *Negotiable Instruments Act*, the accused cannot rely upon other bank accounts for the dishonoured cheque which relates to specific bank account of the accused. Accordingly, the argument advanced by Mr. Maninder Singh, learned Senior Counsel of having adequate funds by reference to the other bank accounts of the company, cannot be of any assistance to the accused. The Special Leave Petition is therefore found devoid of merit and the same is dismissed.

7. Pending application(s), if any, also stand closed.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR