

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Crl. Misc. M 37887 of 2016 (O&M)
Date of decision: 22.10.2016

Kuldeep Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Inderjit Sharma, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of the impugned order dated 26.8.2013 passed by the Court of learned Chief Judicial Magistrate, Gurdaspur in complaint case No. 60/19.2.2010 titled as 'The Gurdaspur Central Cooperative Bank Ltd. Versus Kuldeep Kumar', by which order the petitioner has been declared as proclaimed absconder.

It is contended by the learned counsel for the petitioner that the complaint has been filed alleging that the petitioner had taken a loan from the bank, which was to be re-paid in installments as per the terms and conditions of the loan agreement. In the complaint, it was alleged that the petitioner did not pay the installment in accordance with the agreement and the cheque that was issued for a sum of Rs. 36478/- was dishonoured on account of insufficient funds. The petitioner was never served with a copy of the complaint and had no knowledge about the pendency of the complaint

under Section 138 of the Negotiable Instrument Act (for short '**the Act**')

against him. It is only now that he has been made aware of the order when the police raided his house. It is also contended that the petitioner did not appear before the trial court only on account of the fact that he had no knowledge of the proceedings pending and is ready and willing to participate in the proceedings filed under Section 138 of the Act.

Learned counsel for the petitioner submits that the petitioner is ready and willing to surrender before the trial court within a period of two weeks from today and move an application to have the order declaring him as proclaimed absconder set aside. He submits that an interim protection be granted to the petitioner to enable him to do so.

Under the circumstances, it is directed that in case the petitioner appears before the trial court and moves an application within two weeks from today, the trial court shall decide the same as expeditiously as possible, preferably within a period of two months from the date of filing of such application. In the meantime, the petitioner shall be enlarged on bail by the trial court to its satisfaction so as to enable him to appear before the trial court. In case the petitioner fails to appear before the trial court and move such an application within the aforesaid stipulated period, the concession granted shall stand automatically vacated.

With the above direction, petition stands disposed of.

22.10.2016

prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No