

Sr. No. 203

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M-7103 of 2016 (O&M)
Date of Decision: 09.05.2016**

Jaswinder Kaur and another

...Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Mandeep Kaushik, Advocate,
for the petitioners.

Mr. D.S.Virk, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

In the instant petition filed under Section 482 Cr.P.C. an order dated 26.10.2015 passed by the learned Chief Judicial Magistrate, SAS Nagar, Mohali (Annexure P-5) was assailed whereby the petitioners were declared proclaimed offenders.

While issuing notice of motion, the following order was passed by this Court on 03.03.2016:-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of the order dated 26.10.2015 (Annexure P-5) passed by learned Chief Judicial Magistrate, SAS Nagar, Mohali, whereby the petitioners have been declared proclaimed offenders in FIR No. 30, dated 06.05.2011, under Sections 381, 465, 468, 471, 120-B of Indian Penal Code, registered at Police Station Phase-XI, District Mohali (SAS Nagar).

Learned Senior counsel would submit that the FIR in question was registered on the complaint of Pipal Singh and even an inquiry was marked in the matter and it was found that Anil Sood son of Ram Saroop, Surinder Sharma son of Gautam Rashi and Vinod Sharma son of Gurdial Sharma connived with each other and had got encashed a cheque of the complainant by removing endorsement that the same was an account payee cheque. It is submitted that even the complainant during the course of investigation had furnished an affidavit dated 21.12.2012 before the investigating agency that the matter has been compromised and the requisite amount has been reimbursed to him by the bank authorities. It has further been argued that petitioner No. 1, namely, Jaswinder Kaur was regularly attending her duties in the bank and petitioner No. 2, namely, Gaurav Chaudhary was posted as Inspector Central Excise at Jam Nagar, Gujarat and was never served any summon from the police for appearance.

Notice of motion, returnable for 09.05.2016.

In the meanwhile, petitioners are directed to appear before the Ilaqua Magistrate concerned on 18.03.2016. In the eventuality of the petitioners of their doing so, they will be entitled to interim bail subject to satisfaction of the concerned Magistrate.”

Learned Senior counsel has during the course of hearing today produced certified copy of order dated 18.03.2016 passed by the Chief Judicial Magistrate, Mohali and which would show that the petitioners have duly appeared before the trial Court and have been admitted to interim bail on furnishing requisite bail bonds and surety bonds.

In the light of observations contained in the notice of

motion order dated 03.03.2016 and which have gone unrebutted as also in view of the fact that the petitioners have since joined trial proceedings, prayer made in the present petition is accepted.

Consequently, order dated 26.10.2015 at Annexure P-5 shall not survive and the order dated 03.03.2016 passed by this Court is made absolute.

Disposed of.

09.05.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**