

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

CRM-M-48017 of 2017.

Decided on:-December 15, 2017.

Gurdial Singh.

.....Petitioner.

Versus

Amardeep Singh Tiwana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Amit Gupta, Advocate for the petitioner.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.PC is for quashing of order dated 21.10.2017 passed by learned Additional District and Sessions Judge-3, Patiala, whereby the petitioner has been declared as a proclaimed offender as despite proclamation issued against him, he did not appear in the Court.

Learned counsel for the petitioner states that, in fact, the dispute between the parties is regarding a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (for short, the Act) read with Section 420 IPC. The said complaint has been filed by the respondent-complainant on the ground that the petitioner had issued two cheques amounting to Rs.1 lakh each and on presentation of the said cheques in the bank, the same were dishonoured.

He further states that though now the matter has been compromised between the parties, but still, the petitioner is ready to surrender before learned appellate Court, Patiala and to pursue his appeal.

At this stage, Ms. Shailli Mahajan, Advocate has put in appearance on behalf of the respondent and filed Vakalatnama on behalf of Harbhajan Singh, special power of attorney of the respondent, which is taken on record. She has also produced a copy of special power of attorney executed by the respondent in favour of Harbhajan Singh. The same is taken on record. She fairly admits the fact that the matter has been compromised between the parties and the respondent-complainant has received the total outstanding amount.

Having heard learned counsel for the parties and noticing the fact that the matter has been compromised between the parties in the proceedings under Section 138 of the Act coupled with the fact that the petitioner has shown his inclination to appear before learned appellate Court, Patiala to pursue his appeal, the present petition is disposed of with a direction to learned appellate Court, Patiala that in case the petitioner surrenders within a week from today, he shall be admitted on bail on his furnishing bail bonds and surety bonds to its satisfaction. However, the petitioner shall continue to appear before learned appellate Court regularly unless a specific exemption from personal appearance is granted to him.

December 15, 2017

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No