

119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30364-2019

Date of decision-19.07.2019

Kartar Singh

....Petitioner

Vs.

Resham Singh and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. B.S.Bhalla, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner-Kartar Singh has filed this petition under Section 482 Cr.P.C for quashing of order dated 29.10.2015 passed by learned Judicial Magistrate First Class, Moga in criminal complaint No.30 dated 17.08.2012 titled as “Resham Singh Vs. Kartar Singh”.

Learned counsel for the petitioner contends that respondents had filed a complaint dated 16.08.2012 under Section 138 of Negotiable Instruments Act, 1881 against the petitioner in respect of cheque bearing No.588771 dated 18.06.2012 for a sum of Rs.3 lacs which was dishonoured on 28.06.2012.

The trial Court had issued the summoning order on 13.03.2013 and the report on the summons as received by the Court was clear that the petitioner is abroad. Attention of the Court is invited to the reports dated 22.12.2013, 12.02.2014 and lastly 22.07.2015. It is pointed out that the impugned order dated 29.10.2015 declaring the petitioner as a proclaimed

offender is, on the face of it, is illegal as there was no effective service upon the petitioner.

It is pointed out that the petitioner has returned back to India on 13.05.2019 when he came to know about the proceedings of this case. Learned counsel for the petitioner has submitted that the petitioner is willing to join the proceedings in the said complaint case but apprehends that the moment the petitioner submits himself before the Court, he may be taken into custody for his long absence from the trial Court.

After hearing learned counsel, this Court does not deem it appropriate to call upon the complainant to contest this petition.

Considering the nature of the case and the grounds set up by the accused/petitioner, it is ordered that in case the petitioner put in appearance before the trial Court on or before 26.07.2019, the Court shall admit him on regular bail subject to his furnishing bail bonds and surety bonds. However, it shall be open for the respondent-complainant to approach this Court in case any of the grounds as raised in the petition are found to be false or incorrect.

Petition is disposed off.

(MANOJ BAJAJ)
JUDGE

19.07.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No