

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 48818 of 2019
Date of Decision: 18.11.2019**

Deepika Mehar

.....Petitioner

Versus

Punjab National Bank

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gaurav Arora, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

This is a petition for quashing of criminal complaint under Section 138 of Negotiable Instruments Act, 1881 ('Act' for short) (Annexure P-1) and all the subsequent proceedings arising therefrom including the summoning order dated 12.9.2018 (Annexure P-2) and the order dated 17.8.2019 declaring the petitioner as proclaimed offender.

Learned counsel for the petitioner submits that in the complaint under Section 138 of the Act, service upon the petitioner was not effected. Even service through non-bailable warrants, issued vide order dated 26.3.2019, was not effected upon the petitioner. Thereafter, vide order dated 2.5.2019, proclamation under Section 82 Cr.P.C. by way of publication in the newspaper was made and vide order dated 17.8.2019 (Annexure P-5), she was declared a proclaimed offender.

Learned counsel for the petitioner submits that the amount due towards the petitioner is only Rs. 25,000/- which she is ready to pay along with interest. Besides, she is also ready to comply with the other

requirements to the satisfaction of the trial Court. It is further contended by counsel for the petitioner that the petitioner has no intention to flee from the course of justice and she is ready to appear before the trial Court to face the further proceedings and that she would regularly appear before the trial Court. The only prayer made is that the petitioner be protected from the arrest.

Notice in the present case is not being issued as this would further delay the trial.

Heard.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

In view of the above, order dated 17.8.2019 (Annexure P-5) is set aside. The petitioner is directed to surrender before the trial Court on 26.11.2019. It is further directed that in case, the petitioner so appears before the trial Court then she shall be released on bail on her furnishing bail bond/surety to the satisfaction of the trial Court.

The petition stands disposed of.

(HARNARESH SINGH GILL)
JUDGE

November 18, 2019
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No