

Sr. No.111

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

CRM-M-15500 of 2020 (O&M)

Date of Decision: 17.06.2020

Deepak Kapoor

...Petitioner

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Satnam Singh Thakur, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing the impugned order dated 29.01.2020 (Annexure P-2) passed by Learned Judicial Magistrate Ist Class, Ludhiana in complaint No.COMA/12911/2018 dated 21.09.2018 under Section 138 of Negotiable Instruments Act (hereinafter referred to "Act") vide which the petitioner was declared a proclaimed offender.

Learned counsel for the petitioner contends that he had taken loan of Rs.50,062/- from respondent No.2 and he has already repaid an amount of Rs.53,650/-. He further submits that the petitioner is being prosecuted by way of a complaint under Section 138 of the Act by respondent No.2, allegedly for non-payment of loan amount, without service of any statutory legal notice upon him as envisaged under the Act or even the court summons. The proceedings have been instituted and conducted behind his back.

Notice of motion.

Mr. Luvinder Sofat, AAG Punjab, who has joined proceedings, on service of advance copy of petition, accepts notice on behalf of State of Punjab and submits that the dispute is between the petitioner and respondent No.2, who is a private Finance Company.

Keeping in view the fact that the loan amount has been repaid, without commenting on the merits of the case, the instant petition is allowed. The petitioner is directed to appear before the trial Court/Duty/Illaqa Magistrate and on his doing so, he shall be admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of Court concerned.

Disposed of in above terms.

(ARUN MONGA)
JUDGE

17.06.2020
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Whether speaking/reasoned Yes/No

Whether Reportable Yes/No