

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

CRM-M-17223 of 2020 (O&M)

Date of Decision:03.09.2020

Buta Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. N.S. Dandiwal, Advocate for the petitioner.

Mr. A.S. Sandhu, Addl. A.G. Punjab

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Instant petition has been preferred under Section 482 Cr.P.C. seeking quashing of order dated 21.09.2017 (Annexure P-5) whereby the petitioner was declared a proclaimed person in complaint No.NACT-105 dated 04.07.2016 under Sections 138 and 142 of the Negotiable Instruments Act, 1881.

While issuing notice of motion, the following order was passed by this Court on 13.07.2020:-

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

On the oral request made by counsel for the petitioner, the Moga Central Co-operative Bank, Branch Moga Mandi, Moga, through its authorised representative is substituted and impleaded as respondent No.2 instead of Punjab Gramin Bank.

Registry is directed to carry out the necessary changes in the memo of parties.

Challenge in the instant petition is to the order dated 21.09.2017 (Annexure P-5) whereby the petitioner had been declared as a proclaimed person in relation to proceedings under the Negotiable Instruments Act initiated at the hands of the respondent-Bank.

Counsel makes a statement that the intent of the petitioner was not to evade the trial proceedings. Petitioner was never served at the furnished address as regards proclaimed proceedings. Further urged that the petitioner is ready and willing to enter into negotiations with the respondent-Bank so as to regularize the loan account.

Notice of motion returnable for 03.09.2020.

In the meanwhile it is directed that in case petitioner puts in appearance before the Trial Court/Duty Magistrate within a period of 10 days from today, he would be entitled to ad interim protection as regards the arrest.

It has gone uncontroverted that petitioner has duly appeared before the learned JMIC Moga on 18.07.2020 and has furnished personal bonds for a sum of Rs.1,00,000/-.

Since the petitioner has already joined the trial proceedings, the impugned order dated 21.09.2017 (Annexure P-5) would not hold good.

Instant petition is accordingly disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

03.09.2020

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No