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

**CRM-M No. 20284 of 2020  
Date of decision: 20.08.2020**

**JIWAN KUMAR AND ANOTHER**

**Vs.**

**STATE OF PUNJAB AND ANOTHER**

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Manav Bajaj, Advocate for the petitioner.

Mr. H.S. Sitta, AAG Punjab

**HARNARESH SINGH GILL J. (Oral)**

The instant petition has been filed by the petitioners against the order dated 07.06.2016 (Annexure P-18), whereby the petitioners were declared as proclaimed persons in the proceedings under the Negotiable Instruments Act, 1881 (for short 'the Act'), initiated by respondent No. 2- The Bathinda Central Co-op Bank Ltd.

As per the facts on record, the petitioners availed a loan of ₹2,00,000/- from the Cooperative Bank-respondent No. 2 on 09.05.2013. However, there was default on the part of the petitioners in the repayment of the loan. On 17.07.2014, both the petitioners in discharge of their legal liability of repayment of the loan, issued a cheque bearing No.166231 for Rs.2,08,000/- drawn on State Bank of Patiala. However, when the said cheque was presented for encashment, the same was returned by the Bank with the remarks 'Insufficient Funds, which led to initiation of the proceedings under the Act.

In the said proceedings, vide the order impugned in the present petition, the petitioners were declared as proclaimed persons.

Learned counsel for the petitioners, while drawing the attention of this Court to the receipt dated 28.01.2020 (Annexure P.19), states that half of the loan amount has since been deposited by the petitioners with respondent No.2-Bank. He further states that the petitioners are ready to deposit the balance amount.

Notice in this case is not being issued to respondent No.2, as the same would result in unnecessary delay in the proceedings before the trial Court.

As the petitioners have already paid half of the loan amount and they are ready to pay the balance amount in near future, the present petition is disposed of with a direction to the petitioners to appear before the trial Court on 07.09.2020 and the trial Court after verifying the authenticity and genuineness of the receipt dated 28.01.2020 regarding deposit of Rs.1,00,000/- with respondent No.2-Bank, shall enlarge the petitioners on bail. The petitioners shall pay an amount of Rs.5,000/- as costs to respondent No.2.

**(HARNARESH SINGH GILL)**  
**JUDGE**

20.08.2020.  
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| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |