

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29777-2020
Date of decision-09.12.2020

Paramjit Singh

....Petitioner

Vs.

Harman Singh and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Barjinder Singh, Advocate for the petitioner.

None for respondent No.1.

Mr. R.S.Khaira, AAG, Punjab.

MANOJ BAJAJ, J.

The petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 30.11.2019 (Annexure P-5) passed by Additional Sessions Judge, Ludhiana in complaint case bearing No.COMA-10711/2017 registered under Section 138 Negotiable Instruments Act, 1881, whereby petitioner was declared proclaimed person

On 25.09.2020, the following order was passed:-

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

Challenge in the instant petition is to the order dated 30.11.2019 (Annexure P-5) passed by the learned Judicial Magistrate 1st Class, Ludhiana and whereby the petitioner has been declared as a proclaimed person in proceedings under Section 138 of the Negotiable Instruments Act.

Counsel at the very outset states that he would not have much to say on merits. It is urged that the intent of the petitioner was not to evade the trial proceedings. It is only on account of the fact that the petitioner was in the course of thrash-

ing out a negotiated settlement with the complainant that he had been remiss in not appearing before the trial Court.

Notice of motion returnable for 26.10.2020.

In the meanwhile it is directed that in case petitioner puts in appearance before the trial Court within a period of two weeks from today he would be entitled to ad interim protection as regards arrest subject to satisfaction of the trial Court.”

Thereafter, on 26.10.2020, a report from the trial Court was sought and the same has been received through forwarding letter dated 03.12.2020 by District and Sessions Judge, Ludhiana. A perusal of the report submitted by Judicial Magistrate First Class, Ludhiana reveals that when the case was fixed for defence evidence, the accused made a statement that he would make payment in installments of Rs.15,000/- each, however, no payment was made and later on on 03.07.2019, the accused absented from the trial proceedings. Despite issuance of notice, he failed to appear and therefore, his bail was cancelled on 30.07.2019.

As per this report, the accused has failed to put an appearance before the trial Court, therefore, it is evident that the petitioner/accused is willingly keeping himself away from the trial proceedings, resultantly, this Court does not find any reason to exercise the inherent powers under Section 482 Cr.P.C.

Petition is dismissed.

09.12.2020

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE

No
No