

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.33441 of 2020 (O&M)
Date of Decision.24.11.2020
(Heard through VC)

Rajat Garg ...Petitioner

Vs

M/s Chirag Communication Pvt. Ltd. ...Respondent

2. CRM-M No.33007 of 2020

Rajat Garg ...Petitioner

Vs

M/s Chirag Communication Pvt. Ltd. ...Respondent

3. CRM-M No.33352 of 2020

Rajat Garg ...Petitioner

Vs

M/s Chirag Communication Pvt. Ltd. ...Respondent

4. CRM-M No.33360 of 2020

Rajat Garg ...Petitioner

Vs

M/s Chirag Communication Pvt. Ltd. ...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Alok Mittal, Advocate
Mr. R.K. Makkad, Advocate
for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

Mr. Rohan Sharma, Advocate
for the respondent.

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JAISHREE THAKUR J. (ORAL)

This order of mine shall dispose of Crl. Misc. Petitions bearing
Nos.33007, 33441, 33352 and 33360 of 2020 which have been filed seeking

quashing of impugned orders passed by the Judicial Magistrate 1st Class, Patiala whereby the petitioner has been declared as proclaimed offender in following complaint cases.

Petition No.	Complaint Case No.	Amount of cheque dishonoured	Impugned order
CRM-M No.33441 of 2020	COMA/2850/2016	Rs.8,00,000/-	01.10.2018
CRM-M No.33007 of 2020	COMA/2852/2016	Rs.3,66,761/-	07.10.2017
CRM-M No.33352 of 2020	COMA/2849/2016	Rs.10,00,000/-	07.10.2017
CRM-M No.33360 of 2020	COMA/2851/2016	Rs.4,00,000/-	07.10.2017

It is argued that petitioner-Rajat Garg herein had initially put in an appearance before the Court below after he was served and was released on bail. However, he could not appear during trial and his bail bonds had been cancelled. Notices were issued under Section 82 Cr.P.C. but he was unable to appear as he had already been declared as a proclaimed offender in other cases. Be that as it may, learned counsel for the petitioner submits that the petitioner is in the process of settling all disputes and seeks that one opportunity be allowed to him to put in an appearance before the Court below as he is ready to face trial.

Learned counsel for the respondent-complainant as well as State oppose quashing of the impugned order while submitting that the petitioner herein is habitual offender and have to pay the firm i.e respondent the aforementioned amounts without computing the interest thereon.

After hearing learned counsel for the petitioner, I deem it appropriate to dispose of the instant petitions and order to keep the impugned orders in abeyance by staying the arrest of the petitioner for a period of two weeks to enable him to appear before the trial Court on condition of payment of Rs.6,50,000/- to the respondent-firm on or before 30.12.2020 and move an appropriate application in each case for having the

impugned orders set aside, which would be considered by the trial Court in accordance with law. He shall be admitted to interim bail to the satisfaction of the trial Court till disposal of P.O. proceedings.

It is made explicitly clear that in case there is single default on the part of the petitioner after surrendering before the trial Court within the specified time, any interim protection allowed to him by this Court shall stand automatically withdrawn.

(JAISHREE THAKUR)
JUDGE

November 24, 2020
Pankaj*

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