

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

CRM-M-3161 of 2021

Date of Decision: 22.01.2021

Rishabh Josan

.....Petitioner

Versus

State of Punjab and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Karan Nehra, Advocate for the petitioner.

HARINDER SINGH SIDHU, J

The challenge herein is to the validity of the impugned order dated 09.12.2020 (Annexure P-1) passed by learned JMIC, Jalalabad (W) declaring the petitioner as proclaimed person.

Facts leading to the instant case are that a criminal complaint under Section 138 of the Negotiable Instruments Act was filed by respondent No.2 against the petitioner and respondent Nos.3 to 8. Respondent No.3 is stated to be a Partnership Firm, which is running a business of rice sheller. As per the averments made in the complaint, the paddy was purchased by the Firm-respondent No.3 and in order to discharge his liability towards the complainant, said respondent issued Cheque dated 27.03.2017 bearing the signatures of the petitioner.

Learned counsel for the petitioner contends that the petitioner is neither a partner nor associated with the affairs of the Firm. It is submitted that non-appearance of the petitioner was not intentional. The petitioner did not receive any summon in the said case and that it was only on 09.12.2020, when the counsel for the petitioner appeared before the learned trial Court in some another case that it came to his knowledge of

petitioner having been declared as proclaimed person. He undertakes that the petitioner shall appear before the learned trial Court on any date to be fixed by this Court.

Notice of motion.

Mr. Sarabjit Singh, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Having heard learned counsel for the parties and taking into account the fact that the complaint is under Section 138 of the Negotiable Instruments Act, 1881, which is a bailable offence, this petition is disposed of with the observation that the petitioner may appear before the learned trial Court on or before 27.01.2021. On his doing so, he shall be enlarged on bail by the trial Court subject to his furnishing bail bonds and surety bonds to its satisfaction. He shall also file an undertaking before the concerned Court to continue appearing as and when required apart from following all the terms and conditions fixed in this respect.

This shall, however, subject to the petitioner depositing a sum of Rs.20,000/- with the Director, PGI, Chandigarh Poor Patients' Welfare Fund.

January 22, 2021
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No