

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 8721 of 2021
Date of Decision: 24.2.2021**

Sohrab Amjad

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 482 Cr.P.C. for quashing of order dated 06.3.2019 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Rajpura vide which the petitioner has been declared a proclaimed person in the complaint filed by respondent No. 2 under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioner submits that the petitioner was not served on the given address and the proclamation has been effected without considering the provisions of Section 82 Cr.P.C. Learned counsel further submits that the petitioner is ready to pay the amount along with interest to complainant-respondent No. 2 and to show his *bona fide*, he is ready to pay Rs. 1.00 lac to complainant-respondent No. 2 by way of a demand draft, on the date fixed before the trial Court.

Notice to the State-respondent No. 1 only.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG,

Punjab accepts notice on behalf of the State.

Notice to respondent No. 2-complainant is not being issued as this would further delay the trial.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

Without commenting on the merits of the case, this petition is disposed of with a direction to the petitioner to surrender before the trial Court within 10 days from today and hand over the demand draft amounting to Rs. 1.00 lac to complainant-respondent No. 2. On doing so, he shall be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court.

(HARNARESH SINGH GILL)
JUDGE

February 24, 2021
Gurpreet

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