

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 8723 of 2021
Date of Decision: 24.2.2021**

Sohrab Amjad and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

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 22.4.2019 (Annexure P-3) passed by learned Sub Divisional Judicial Magistrate, Rajpura vide which the petitioners have been declared proclaimed persons in the complaint filed by respondent No. 2 under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioners submits that the petitioners were 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 petitioners are ready to pay the amount along with interest to complainant-respondent No. 2 and to show their *bona fide*, they are ready to pay Rs. 25,000/- 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 petitioners to surrender before the trial Court within 10 days from today and hand over the demand draft amounting to Rs. 25,000/- to the complainant-respondent No. 2. On doing so, they shall be released on bail subject to their 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