

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14446 of 2021(O&M)
Date of Decision: March 26, 2021

Pavintarjot Singh Sidhu @ Vicky

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Ravish Bansal, Advocate for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

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HARINDER SINGH SIDHU, J.

By filing this petition under Section 482 of the Code of Criminal Procedure, the petitioner has sought quashing of order dated 22.10.2019 (Annexure P-9) passed by Ld. Additional Chief Judicial Magistrate, Bathinda, declaring the petitioner as Proclaimed person in complaint case No.COMI-208/2015 dated 31.10.2015 titled as 'Jagdev Singh vs. Gurdeep Singh' under Sections 323/342/325/362/365/367/149/120B of the Indian Penal Code.

Ld. counsel for the petitioner states that respondent No.2 – complainant had availed a loan of Rs.37,000/- from the Bathinda Central Cooperative Bank Ltd., Branch Teona, District Bathinda, wherein, the petitioner's father Jagsir Singh @ Raghbir Singh and one Gurdeep Singh stood as guarantor. Jagdev Singh – complainant defaulted in repayment of the said loan amount and even the cheque given by him to the Bank to discharge said liability was also dishonoured. Proceedings under Section 138 of the Negotiable Instruments Act were initiated against him. It is stated that said Jagdev Singh – complainant in order to create a defence in the proceedings

under the NI Act, concocted a false story that his signatures were forcibly obtained on the cheque and filed the instant complaint against aforesaid guarantors Gurdeep Singh and Jagseer Singh @ Raghbir Singh, the petitioner, his brother Ricky and Bank Manager Sukhchain Singh. It is stated that no such occurrence had ever taken place.

It is the case of the petitioner that he went to Canada on Student Visa on 03.12.2015 and thereafter has returned only on 22.03.2021. The parties are known to each other and reside in the same village. Despite having the knowledge that the petitioner was out of country, the complainant did not submit his correct address and the impugned order was passed. Referring to *zimni* orders from 10.05.2018 to 21.09.2019 (Annexure P-6 colly.) it is contended that the Trial Court wrongly concluded that the petitioner was concealing himself to avoid the execution of warrants and ordered issuance of proclamation. It is also stated that the name of the father of the petitioner is also wrongly mentioned as 'Raghbir Singh' whereas, he is 'Jagseer Singh'. Similarly, the name of the petitioner in the complaint has been mentioned as 'Vicky' whereas, his actual name is 'Pavitarjot Singh' only.

Ld. counsel for the petitioner states that it can never be the intention of the the petitioner to evade trial . The is ready and willing to appear before the Court and face trial. Referring to Invitation Card (Annexure P-10), which shows that the marriage of the petitioner is fixed for 03.04.2021, it is prayed that the petitioner may be protected to enable him to celebrate his marriage.

Considering the above submission and without expressing anything on merits, this petition is disposed of with the direction that the petitioner may appear before the Trial Court on or before 30.04.2021. On his doing to the Trial Court may admit him to bail to its satisfaction. This shall be

subject to the condition that the petitioner shall deposit a sum of Rs.20,000/- in the Director PGI Chandigarh Poor Patients Welfare Fund before his appearance before the Trial Court. Till 30.04.2021 the petitioner be not arrested.

March 26, 2021

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No