

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

240

CRM-M-23385 of 2021
Date of decision:04.10.2021

Sarabjit Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sunil Agnihotri, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 482 of Cr.P.C. seeking quashing of order dated 24.05.2019 (Annexure P-5) passed by Judicial Magistrate Ist Class, Ludhiana in Complaint No.8305 dated 13.07.2017 instituted under Section 138 of Negotiable Instruments Act, 1881 read with Section 420 IPC (Annexure P-1).

While issuing notice of motion, this Court passed the following order on 05.07.2021:-

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Counsel for the petitioner contends that the petitioner has been declared as a Proclaimed Offender without adhering to the

provisions of Section 82 of the Code of Criminal Procedure. He submits that the disputed cheque is of a sum of Rs.15,000/-, which the petitioner is willing to deposit before the trial court. He is also willing to appear before the trial court and join the proceedings.

Notice of motion.

On asking of Court, Mr. Sandeep Singh Deol, DAG, Punjab, accepts notice on behalf of respondent No.1-State.

Let respondent No.2 be served for 04.10.2021.

Let the petitioner surrender before the trial court and deposit the cheque amount of Rs.15,000/- within a period of four weeks' from today.

Upon his doing so, in case, the petitioner files an application for grant of bail, trial court shall release him on bail by imposing such conditions as it deems reasonable. The deposited amount shall be kept in a Fixed Deposit and disbursed at the time of decision of the case by the trial Court.”

Counsel for the petitioner submits that in compliance of the said order, the petitioner has surrendered before the trial Court, deposited the complete cheque amount of Rs.15,000/- which has been kept in Fixed Deposit and petitioner has been ordered to be released on bail, vide order dated 20.07.2021. Copy thereof, is taken on record as Mark 'A'.

As per office report, respondent No.2 has been served, but there is no appearance on his behalf.

Heard.

The objective of Section 82 of Cr.P.C. is to secure the presence of an accused. Once the accused has put in appearance, surrendered before the trial Court and joined the proceedings, he can no longer be described as 'Proclaimed Offender' and the impugned order deserves to be set aside.

Petition is accordingly allowed. Order dated 24.05.2019 (Annexure P-5) passed by the trial Court is set aside.

October 04, 2021
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No