

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

129

CRM-M-23438-2021

Date of Decision: 23.06.2021

PRIYA BHATIA

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Kunal Dawar, Advocate
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Through this petition filed under Section 482 Cr.P.C., the petitioner seeks quashing of the order dated 06.05.2019 (Annexure P-3) passed by learned Judicial Magistrate 1st Class, Faridabad, vide which the petitioner was declared as a Proclaimed Person in Complaint No.1493 of 2017 dated 07.04.2017, under Section 138 of the Negotiable Instruments Act, 1881, titled as Rashmi Kaushal Pathak Vs Priya Bhatia.

Learned counsel for the petitioner submits that the cheque amount involved in the present complaint is Rs.2,00,000/-; that the petitioner has been summoned by the trial Court on 11.09.2017 pursuant to which she appeared before the said Court and was admitted to bail on 20.02.2018 and that on 01.10.2018, a compromise was effected between the parties but due to loss in business suffered by the husband of the petitioner, payment as per the compromise could not be made.

Learned counsel for the petitioner further submits that the bail of the petitioner was cancelled on 15.12.2018 and thereafter, she was declared proclaimed person on 06.05.2019. He further submits that to show her bona fide, the petitioner is ready to pay Rs.50,000/- to complainant/respondent No.2-Rashmi Kaushal Pathak by way of a demand draft, photocopy of which has been annexed with this petition as Annexure P-4.

Notice of motion has not been issued so as to prevent any further delay in the trial.

I have heard learned counsel for the petitioner.

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.

Keeping in view the above, the petition is allowed. Order dated 06.05.2019 (Annexure P-3), passed by Judicial Magistrate 1st Class, Faridabad, is hereby set aside subject to the petitioner's paying Rs.50,000/- to respondent No.2/complainant-Rashmi Kaushal Pathak, before the trial Court.

The petitioner is further directed to appear before the trial Court within 10 days from today and on her doing so and paying the amount of Rs.50,000/- to the complainant/respondent No.2, she shall be released on bail subject to furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

23.06.2021

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*