

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(230)

CRM-M-29755-2021

Date of decision:- 28.09.2021

Ishant Gupta

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amandeep Saini, Advocate for the petitioner.

Mr. Amit Mehta, Sr. D.A.G. Punjab for respondent No.1.

None for complainant-respondent No.2.

...

SUVIR SEHGAL, J. (Oral)

Though the service of private respondent is complete, but no one has put in appearance on behalf of complainant-respondent No.2.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of impugned order dated 16.04.2018, Annexure P-10, passed by learned SDJM, Khamano, District Fatehgarh Sahib, vide which the petitioner has been declared as a “proclaimed absconder” in case NACT No.42 of 2016 tilted as “M/s Gaba Packers versus M/s Aggarwal Disposable” instituted under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881 and Section 420 of the Indian Penal Code, 1860.

While issuing notice of motion, this Court passed the following order on 30.07.2021:-

“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 'Proclaimed Absconder', without following the mandatory provisions of Section 82 of the Code of Criminal Procedure. He submits that the petitioner is ready to surrender before the trial Court, join the proceedings and also deposit the entire amount of the disputed cheque.

Notice of motion.

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

Respondent No.2 be served for the date fixed.

Let the petitioner surrender before the trial Court within a period of four weeks from today and deposit the cheque amount. In case, he does so, the trial Court shall release him on interim bail while imposing any reasonable conditions it deems appropriate.

List on 28.09.2021."

Counsel appearing for the petitioner submits that in compliance of the said order, the petitioner has appeared before the trial Court, paid back the entire cheque amount of Rs.20,000/- to the complainant and has been released on *ad interim* bail. Counsel has placed on record order dated 05.08.2021 whereby on a statement made by the complainant, the complaint filed under the N.I. Act has been dismissed as withdrawn. Order is taken on record as Mark 'A'.

The objective of Section 82 of the Code of Criminal Procedure, 1973 is to secure the presence of the accused. Once the accused appears

before the trial Court, joins the proceedings, the purpose stands achieved and the accused can no longer be described as a proclaimed offender/absconder.

In view of the fact that the complaint out of which the present proceedings have arisen has been withdrawn, no further orders are called for.

Petition is disposed of.

28.09.2021
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No