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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

DECIDED ON: 18th JANUARY, 2021

1. CRM-M-30627-2020

MOHAMMAD JIYAULL HASAN

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

AND

2. CRM-M-33138-2020

MOHAMMAD JIYAULL HASAN

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. N.K. Malhotra, Advocate
for the petitioners in both the petitions.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. J.P.Sharma, Advocate
for respondents No. 2 in both the cases.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference
due to COVID-19 situation.

These two petitions are under Section 482 Cr.P.C. for quashing of orders whereby the petitioner was declared Proclaimed offender (in short 'PO') in complaints No. 195-2017 & 196-2017 under Sections 138/142 of Negotiable Instrument Act, 1881 (in short 'the act').

In both the complaints, there is a dispute with regard to the amount of Rs. 5,00,000/- each. The petitioner failed to appear before Court concerned hence he was declared as PO.

Mr. N.K.Malhotra, appearing for the petitioner submits that after grant of bail there was communication gap between the petitioner and the counsel, resulting a failure to appear before the Court. An offer is made of reasonable amount to be deposited as security to ensure his presence in both the complaint proceedings.

Learned counsel for the complainant opposes the contentions and seeks liberty to avail remedies as per law, including moving an application for deposit to be made as per the provisions of the Act.

Learned counsel for the State submits that in pursuance of PO orders, FIRs have been registered under Section 174-A IPC.

The entire endeavour in the complaint cases is to ensure that the accused attends the Court proceedings and there is no delay in deciding the matter. The contention that there was communication gap which resulted in his non-presence along with offer of security is accepted. The impugned orders declaring the petitioner as PO in both the complaints are set aside subject to the petitioner depositing Rs. 1,00,000/- in shape of FDR in Nationalised Bank with the Courts below

within the period of 30 days from today. The amount deposited shall be subject to outcome of the complaint. However, in case of failure on the part of the petitioner to appear as and when called for, the amount of Rs. 1,00,000/- shall be forfeited

Both the petitions are allowed.

18th JANUARY, 2021
shabha

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>