

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

(223)

CRM-M-41116-2021.
Date of Decision:-12.10.2021.

Ram Dass

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.1018 dated 04.06.2019 under Section 174-A of IPC, registered at Police Station Shivaji Nagar, District Gurugram, and also the order dated 13.05.2019 (Annexure P-6), vide which the petitioner has been declared as proclaimed person.

On 04.10.2021, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the petitioner is ready to pay an amount of Rs.3,50,000/- which was the cheque amount and has, in fact, already annexed the photocopy of the cheque dated 28.09.2021 (Annexure P-2) with the present petition, to show his bona fide.

Notice of motion.

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On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of respondent No.1-State and seeks time to get instructions.

Adjourned to 12.10.2021.

Let respondent No.2 be served through dasti process as well.”

As per the service report, respondent No.2 has been served but no one has put in an appearance on his behalf.

Learned counsel for the petitioner has submitted that in the present case, the cheque is of the value of Rs.3,50,000/- which is alleged to have been dishonoured. Learned counsel for the petitioner has further submitted that at this stage, he would restrict his prayer to only the setting aside of the order dated 13.05.2019 (Annexure P-6), as the petitioner is ready to deposit the cheque amount of Rs.3,50,000/- before the trial Court/Illaq Magistrate and the petitioner is also willing to regularly appear before the trial Court/Illaq Magistrate and to face the trial. It has been submitted that the petitioner is willing to settle the matter with the complainant.

Keeping in view the above-said circumstances, moreso, the fact that the petitioner is ready to pay the cheque amount of Rs.3,50,000/- to the complainant and also willing to finally settle the matter and also ready to appear before the trial Court/Illaq Magistrate, the order dated 13.05.2019 (Annexure P-6) is set aside and the petitioner is directed to appear before the trial Court/Illaq Magistrate within one week from the date of receipt of a certified copy of this Court. On his appearance, the

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petitioner would be admitted to bail subject to the petitioner depositing the demand draft of the amount of Rs.3,50,000/- in the name of the trial Court/Illaqa Magistrate.

It would be open to respondent No.2/complainant to move an application before the trial Court/Illaqa Magistrate concerned and receive that amount of Rs.3,50,000/-. The trial Court/Illaqa Magistrate concerned is directed to release the said amount to respondent No.2/complainant on his moving application to the said effect.

It is made clear that in case, the above-said amount is not deposited before the trial Court/Illaqa Magistrate, within a period of one week from the date of receipt of a certified copy of this Court, then the present petition would be deemed to have been dismissed.

As far as the challenge to FIR No.1018 dated 04.06.2019 is concerned, learned counsel for the petitioner states that the same is not pressed at this stage.

Ordered accordingly.

Hence, the present petition is disposed of in the above terms.

(VIKAS BAHL)
JUDGE

October 12, 2021.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No