

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

117

CRM-M-49616-2021

Date of Decision: November 26, 2021

Jaswinder Singh

.....Petitioner

Vs.

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Piyush Khanna, Advocate
for the petitioner.

Mr. H.S. Sitta, Asst. AG, Punjab.

ANOOP CHITKARA J. (ORAL)

The petitioner-accused has come up before this Court under Section 483 Cr.P.C. for quashing of the order dated 23.09.2021 (Annexure P-1), passed by the Court of learned Judicial Magistrate Ist Class, SBS Nagar, vide which the petitioner has been declared proclaimed person in Complaint No.273/2018 under Section 138 of Negotiable Instruments Act.

Learned counsel for the petitioner submits that the petitioner was appearing regularly before the trial Court but later on he was informed that his appearance is not required and whenever his presence would be required then he will be intimated. Thereafter, due to COVID-19 pandemic, the petitioner could not contact his counsel and after a span of time he came to know about the proclamation order. Learned counsel for the petitioner further submits that the petitioner is ready and willing to appear before the concerned trial Court.

In view of the COVID-19 Pandemic and the explanation offered by the accused coupled with the fact that the matter is only under Negotiable

Instruments Act, this petition is **allowed**.

Consequently, the impugned order dated 23.09.2021 (Annexure P-1) is set aside qua the petitioner, subject to the condition that the petitioner shall appear before the concerned trial Court on 06.12.2021. In case for reasons beyond his control, he is unable to appear on 06.12.2021 then he shall positively appear on 16.12.2021, failing which this order shall stand automatically recalled under Section 362 Cr.P.C. without calling any further reference from this Court.

Petition is allowed in the aforesaid terms.

(ANOOP CHITKARA)
JUDGE

November 26, 2021
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Whether speaking/reasoned:	Yes
Whether reportable:	No