

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

120

CRM-M-2026-2022

Date of Decision: 18.01.2022

Jeevan Jyot Kaur Alias Jivanjot Kaur

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ferry Sofat, Advocate for the petitioner.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 482 Cr.P.C. seeking quashing of the order dated 13.10.2017 (P-8) passed by Ld. Judicial Magistrate First Class, Amritsar whereby the petitioner has been declared proclaimed person in complaint case No. NACT 826 of 2017 dated 13.10.2017 under Section 138 Negotiable Instruments Act.

It is stated that the petitioner is running an NGO in the name of 'S.H.E. Society and PFFJ', which is working for the welfare of the underprivileged students by providing them free education and vocational training.

The petitioner had obtained a loan from respondent No.2-Bank. At the time of obtaining loan the Bank had obtained her signatures on some cheques given by way of security. Respondent No.2 filed the aforesaid complaint under Section 138 of the Negotiable Instruments Act against the petitioner for dishonor of a cheque of Rs. 1,85,000/- (one lac eighty five thousand only) dated 27.12.2016. It is the case of the petitioner that the petitioner has no

knowledge of the filing of the said complaint against her. No notice of any summons or other process was received by the petitioner in the said case. The summons, bailable warrants and non-bailable warrants issued were never served due to incomplete address furnished by the Bank. This is evident from the reports dated 25.04.2017, 09.06.2017 and 21.08.2017 (Annexures P-4 to P-6 respectively). For failure petitioner to appear, proclamation proceedings were initiated and she was declared 'Proclaimed Person' vide order dated 13.10.2017, which is impugned in the present petition.

It is submitted by learned counsel for the petitioner that it was never the intention of the petitioner to evade the process of law. In fact she was not aware of the pendency of the proceedings against her. It is stated that respondent No.2-Bank had classified the loan account of the petitioner as NPA and issued possession notice dated 12.07.2018, which was assailed by the petitioner by filing CWP No. 17658 of 2018 titled as Jeewanjot Kaur and others Vs. Central Bank of India, Jalandhar. That petition was disposed of vide order dated 29.08.2018 with a direction to the Bank to regularize the account of the petitioner. Even in the said proceedings the respondent-Bank did not disclose about the factum of filing of a complaint under Section 138 of the Negotiable Instruments Act against the petitioner.

Ld. Counsel states that the petitioner is ready to appear before trial Court and face trial.

Taking into account the facts of the present case, this petition is disposed of with the observation that the petitioner may

appear before the trial Court on or before 25.01.2022. On her doing so, she shall be released on interim bail by the trial Court subject to her furnishing bail bonds and surety bonds to its satisfaction. She shall also file an undertaking to continue appearing before the Court as and when required apart from following all the terms and conditions fixed in this respect. This shall subject to deposit an amount of Rs.10,000/- (ten thousand only) by the petitioner with the Director PGIMER, Chandigarh Poor Patient Welfare Fund.

[HARINDER SINGH SIDHU]
JUDGE

January 18, 2022
rashmi

Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no