

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

Criminal Misc. No.M-21001 of 2022(O&M)

Date of Decision: June 01, 2022

Prem Lata and others		...Petitioners
	Versus	
State of Punjab and another		...Respondents

AND

Criminal Misc. No.M-17512 of 2022(O&M)

Prem Lata and others		...Petitioners
	Versus	
State of Punjab and another		...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

--

Present: Mr.D.S.Pheruman, Advocate assisted by
Mr.Purshotam Lal Singla, Advocate for the petitioners.

Mr.B.S.Sewak, Addl.AG, Punjab

Mr.T.S.Sidhu, Advocate for
respondent No.2 – Complainant (Markfed).

-

HARINDER SINGH SIDHU, J.

This order shall dispose of two petitions i.e. CRM-M-21001-2022 and CRM-M-17512 of 2022, both filed by Prem Lata, Ashav Sofat, Yogesh Sofat, having arisen out of the Criminal Complaint No.699 of 2015 under Sections 406, 420, 34 IPC titled “The Punjab State Cooperative Supply & Marketing Federation Ltd. (Markfed) vs. Pooja Rice & General Mills and others”

Vide the impugned order dated 22.12.2021 passed by the Ld.

Sub Divisional Judicial Magistrate Ist Class, Ludhiana, the petitioners have

been declared 'proclaimed offender' and proceedings under Section 83 Cr.P.C have been initiated against them.

CRM-M-21001-2022 has been filed under Section 482 CrPC challenging the aforesaid order dated 22.12.2021, while CRM-M-17512-2022 has been filed under Section 438 CrPC seeking anticipatory bail.

The factual background is that a Claim Petition for recovery of Rs.1,53,69,894/- along with interest @ 13% p.a., w.e.f 15.02.2014 was filed by the respondent - Punjab State Co-Operative Supply and Marketing Federation Ltd (Markfed). The sole Arbitrator passed the award dated 22.01.2016 in favour of the Markfed. Execution proceedings in that regard are pending.

Thereafter, the MARKFED filed the criminal complaint against the petitioners, wherein, vide order dated 16.03.2019 passed by Ld. Additional Chief Judicial Magistrate, Ludhiana, the petitioners were summoned to face trial.

Vide the impugned order dated 22.12.2021, the petitioners have been declared as proclaimed offenders. Petitioners filed petition for anticipatory bail before the Ld. Sessions Judge, Ludhiana, which was dismissed vide order dated 22.03.2022.

Mr.Pheruman, Ld. counsel for the petitioners argued that the Police authorities after holding an inquiry had found that no criminal offence was made out against the petitioners. It was thereafter, that the respondent Markfed filed the instant criminal complaint. It is argued that a civil dispute has been given the colour of a criminal case.

He states that the report submitted by the Bailiff is not correct.

The petitioners were never served in the complaint. Hence, the impugned order dated 22.12.2021 declaring the petitioners as proclaimed offenders is arbitrary and illegal.

He further states that it can never be the intention of the petitioners to evade the process of the Court. The petitioners are ready and willing to appear before the Court and face trial.

In the light of the above CRM-M-21001-2022 is disposed of with the observation that the petitioners may appear before the learned trial Court/Duty Magistrate on or before 15.07.2022. On their doing so, they shall be enlarged on bail by the said Court subject to their furnishing bail bonds and surety bonds to its satisfaction. They shall also file an undertaking before the said Court to continue appearing as and when required apart from following all other terms and conditions fixed by the Court.

This shall, however, be subject to the petitioners pre-depositing a sum of Rs.3,00,000/- (Rs.1,00,000/-, each) with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh.

It is made clear that if the petitioners do not comply with the aforesaid conditions this order shall be deemed vacated.

In view of above, CRM-M-17512-2022 also stands disposed of.

JUNE 01, 2022

gian

**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No

