

132

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28423-2022 (O&M)
Date of Decision:07.07.2022

Gaurav Goyal
Vs.

.. Petitioner

Azmat Ali

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Akshay Kumar Jindal, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of the orders dated 05.04.2018 and 05.06.2018 (Annexures P-6 and P-8), passed by Judicial Magistrate 1st Class, Chandigarh, whereby firstly, his bail was cancelled and subsequently, he was declared as proclaimed person in complaint case No.44/2015 titled as *Azmat Ali Vs. Gaurav Goyal* (Annexure P-1) under Section 138 Negotiable Instruments Act, 1881.

Learned counsel for the petitioner has argued that the petitioner was initially granted regular bail in the above mentioned complaint case, but during the trial proceedings, he had absented, therefore, his bail was cancelled vide impugned order dated 05.04.2018 (Annexure P-6) and later on, he was declared as proclaimed person vide order dated 05.06.2018 (Annexure P-8). He submits that during the trial proceedings, the parties had settled the dispute and against the cheque amount of Rs.50 lacs, the complainant had agreed to accept a sum of Rs.42 lacs and pursuant to that a sum of Rs.1,50,000/- was paid by him. He submits that the petitioner is willing to participate in the trial proceedings and is ready to appear, but as

on today, he is a proclaimed person, therefore, there is every apprehension that he would be taken in custody. He prays that the impugned orders be set aside.

During the course of hearing, it is conceded by learned counsel that the agreed amount is not readily available with the petitioner and he is seeking indulgence of this Court to buy some time to arrange the money. He fairly states that the petitioner was well aware of the trial proceedings pending against him and prior to filing of this petition, he never made any attempt to approach the trial Court to join the proceedings.

After hearing the learned counsel and considering the above background, this Court finds that the petition has been filed after a long delay of more than four years and even today, the petitioner is not in position to keep his word to pay back the agreed amount to the complainant. Admittedly, the petitioner was aware of the trial proceedings, who wilfully and deliberately disengaged himself from the said proceedings without any justifiable reason. Further, the perusal of the impugned orders reveals that the trial court and revisional Court have considered the facts and circumstances carefully and rightly passed the orders against the petitioner in accordance with law.

Consequently, this Court is not inclined to exercise the inherent powers, as the petition is not founded upon any convincing ground to justify petitioner's long absence.

Dismissed.

07.07.2022

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No