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

CRM-M-39083-2021

Date of decision: 10.01.2022

Joginder Manocha @ Joginder Pal

Petitioner

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Ms. Jasneet Nehra, Advocate for the respondent No. 2.

AVNEESH JHINGAN, J. *(Oral):*

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This petition under Section 482 Cr.P.C. is filed seeking quashing of order dated 29th May, 2019 passed by the Judicial Magistrate 1st Class, Ludhiana declaring the petitioner as a proclaimed person.

[3] A complaint under Section 138 of Negotiable Instruments Act, 1881 was filed for dishonour of cheque. The petitioner was summoned and he appeared before the trial Court. Later on, he could not appear as he was unwell. An application was moved for exempting

his appearance, same was dismissed and surety bonds of the petitioner were cancelled. The petitioner was declared proclaimed person on 29th May, 2019.

[4] The petitioner challenged his declaration as proclaimed person on the ground that address given by the serving official while getting his statement recorded was not that address where the petitioner resided.

[5] On 21st September, 2021, following order was passed by this Court:-

“Due to COVID-19 situation, the Court is convened through video conference.

This is a petition seeking quashing of order dated 29.5.2019, whereby the petitioner was declared Proclaimed Offender in complaint No. 12304/2017 dated 11.10.2017, titled as “Bhushan Kumar Gupta v. Joginder Pal”.

Learned counsel for the petitioner submits that there was no proper compliance of Section 82 Cr.P.C. To show his bonafide, the petitioner offers to deposit Rs.75,000/- with the trial court subject to outcome of the trial.

Notice of motion for 11.10.2021.

Let the petitioner appear before the trial court within ten days and deposit Rs.75,000/-. In the meantime, arrest of the petitioner is stayed. The trial court shall be at liberty to impose such other conditions as deemed appropriate to ensure the presence of the petitioner in future.”

[6] In pursuance to the above quoted order, learned counsel for the petitioner has sent through electronic medium receipt of payment

of Rs. 75,000/- , print out of the same is taken on record. He submits that petitioner has now been granted bail by the trial Court.

[7] Learned State counsel, on instructions from ASI Piara Singh, does not dispute the contention raised by learned counsel for the petitioner.

[8] In view of above, no further directions are called for. The impugned order is quashed. The amount deposited by the petitioner shall be subject to outcome of the trial and be kept in an FDR in a nationalized bank. In case petitioner fails to appear before the trial Court as and when called for, the amount deposited shall be liable to be forfeited.

[9] The petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

10th January, 2022

pankaj baweja

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No