

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

CRM-M-50818-2022

Date of Decision: 16.11.2022

GURNAM SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. J. P. Ratra. Sr. DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 24.09.2021 (Annexure P-4) passed by Judicial Magistrate 1st Class, Dasuya whereby the petitioner has been declared as a proclaimed person in complaint case No. NACT/273/2018 titled as “Mandeep Kaur Vs. Gurnam Singh” filed under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioner submits that as noticed in zimni orders passed by learned JMJC, Dasuya, the petitioner at no stage was served with a copy of complaint or summons or non-bailable warrant and at this stage has been declared proclaimed person. The order has been passed in violation of Section 82 of Cr.P.C. The alleged offence punishable under Section 138 of Negotiable Instruments Act, 1881 is bailable as well as compoundable.

Notice of Motion.

On the asking of the Court Mr. J.P.Ratra, Sr. DAG, Punjab, who is present in Court, accepts notice on behalf of respondent-State and fairly does not dispute the facts.

Right of personal liberty granted by Article 21 of the Constitution of India is one of the most pious and important fundamental right guaranteed by our Constitution. Arrest not only deprives right of personal liberty but also causes mental agony, stress and tarnish reputation of entire family.

Keeping in view the fact that main offence is bailable as well compoundable and petitioner is ready to face trial, order dated 24.09.2021 (Annexure P-4) is set aside and the petitioner is directed to appear before learned Trial Court on 24.11.2022. On the petitioner putting in appearance before the trial court, the trial court shall release him on bail on his furnishing bail bonds to its satisfaction. The petitioner as agreed shall pay costs of Rs.25,000/- to respondent No. 2.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

16.11.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>