

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-51009-2022 (O&M)

Date of Decision: 23.11.2022

Yadwinder Singh

---Petitioner

versus

State of Punjab and Another

---Respondents

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Armaan Gagneja, Advocate
for the petitioner

Mr. Amish Sharma, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

CRM-4484-2022

Allowed as prayed for.

Amended memo of parties is taken on record.

Registry is directed to tag the same at an appropriate place.

CRM-M-51009-2022

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 01.10.2021 (Annexure P-3) passed by learned JMIC, Patiala, in Complaint No.COMA-2497/2018 dated 15.05.2018 (Annexure P-1), whereby the petitioner has been declared proclaimed person.

Learned counsel for the petitioner submits that respondent has filed complaint under Section 138 of Negotiable Instruments Act, 1881 alleging dishonour of cheque of Rs. 80,000/- and petitioner has deposited a sum of Rs. 90,000/- in the account of respondent. The amount has been deposited on 29.9.2022 and cheque in question is dated 6.4.2018. The object of proceedings under Section 138 NI Act, is to recover amount of cheque. The proceedings are quasi criminal in nature. The petitioner is ready and willing to join the proceedings and undertakes to pay costs of Rs.5,000/-.

Notice of Motion.

Mr. Amish Sharma, AAG, Punjab, 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.

There is certainly lapse on the part of petitioner and reasons advanced are not much convincing, however, keeping in view that petitioner has deposited a sum of Rs.90,000/- in the account of the respondent, ready and willing to join the proceedings, undertakes to pay costs of Rs.5,000/-, the alleged offence is bailable and compoundable, order dated 01.10.2021 (Annexure P-3) is set aside and the petitioner is directed to appear before learned Trial Court on 30.11.2022. 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.5,000/-, to be paid to the respondent No.2.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

23.11.2022

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No