

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-52600 of 2022
Date of Decision:15.11.2022

Jatinder Singh

-----Petitioner

vs.

State of Punjab and another

-----Respondents

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. S.L.Chander Shekhar, Advocate,
for the petitioner

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

JAGMOHAN BANSAL (ORAL)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 14.9.2022 (Annexure P-5) passed by JMIC, Amritsar and whereby the petitioner has been declared as a proclaimed person in complaint case No. NACT 1352/2021 dated 23.4.2021 titled as "Nirmal Jit Singh vs. Jatinder Singh" filed under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioner submits that offence under Section 138 of Negotiable Instruments Act is bailable and compoundable offence. The petitioner was summoned on 20.12.2021 for 24.3.2022. Learned trial court issued non-bailable warrants of arrest on 24.3.2022 and thereafter vide order dated 21.5.2022, the petitioner was summoned through proclamation. Learned trial court vide order dated 14.9.2022 has declared the petitioner as proclaimed person. The petitioner is ready to compromise the matter and petitioner never received notice from the court which resulted in his non-appearance.

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.

There is certainly lapse on the part of petitioner and reasons advanced are not much convincing, however, keeping in view facts and circumstances, order dated 14.9.2022 passed by JMIC, Amritsar is set aside and the petitioner is directed to appear before learned Trial Court on 21.11.2022. 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 shall pay costs of Rs. 25,000/- to respondent No. 2.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

November 15, 2022
paramjit

Whether speaking or reasoned: Yes
Whether reportable :Yes/No