

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

114

CRM-M-57783-2022

Date of Decision: 12.12.2022

Charanjit Bhatia alias Goldy

...Petitioner

Versus

State of Punjab and Another

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Amandeep Saini, Advocate,
for the petitioner
Ms. Dimple Jain, AAG, Haryana
Mr. Kulbir Singh Saini, Advocate,
for respondent No.2

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 482 Cr.P.C. is seeking quashing of order dated 13.10.2017 (Annexure P-7), whereby JMIC, S.B.S. Nagar, has declared the petitioner as proclaimed person in terms of Section 82 Cr.P.C.

Learned counsel for the petitioner, *inter alia*, submits that petitioner has been declared proclaimed person in *Complaint No. NACT 326 of 2016; Jagir Singh Versus Charanjit Bhatia @ Goldy* which was filed under Section 138 of Negotiable Instruments Act, 1881. The petitioner failed to appear before the trial Court under impression that complainant has withdrawn the complaint because he had already made the payment of cheque involved. The contention of petitioner finds support from the fact that National Lok Adalat, vide order dated 13.08.2022 (Annexure P-8) has dismissed complaint as withdrawn. The petitioner is ready to pay costs of Rs.10,000/-. No prejudice is going to be caused to the prosecution if the proceedings are quashed.

Notice of motion.

Mr. Amish Sharma, AAG, Punjab accepts notice on behalf of respondent No.1-State and submits that State has no objection if the present petition is disposed of, subject to costs.

Mr. Kulbir Singh Saini, Advocate, puts in appearance on behalf of respondent No.2-complainant and submits that he has already received entire cheque amount. He further submits that he has no objection if present petition is allowed.

Intent of arrest and reason of denial of bail is to secure the appearance of the accused at the time of trial. A person who seeks to be liberated must take judgment and serve sentence in the event of his conviction. The nature of the crime charged, severity of punishment prescribed, prime facie available evidences, history & background of the accused may indicate that any amount of bond and surety is not going to secure presence of accused, at the time of conviction.

Keeping in mind:

- (i) The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence;
- (ii) The petitioner was declared proclaimed offender in a complaint case which stands withdrawn;
- (iii) The petitioner for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs.10,000/-;
- (iv) Trial of main case stands concluded, thus, no prejudice is going to be caused to prosecution or complainant;

this court is of the considered opinion that present petition needs to be allowed, and accordingly, petition is allowed. The impugned order is quashed subject to payment of costs of Rs.10,000/- to the District Legal Services Authority, S.B.S. Nagar.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

12.12.2022
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No