

CRM-M-4462-2023

Date of Decision: 30.01.2023

Hardeep Singh

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Amandeep Saini, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

The petitioner has filed the present petition seeking quashing of impugned order dated 23.11.2022, vide which, the petitioner has been declared proclaimed person in complaint No.NACT No.8 of 2019 titled as Balvir Singh vs. Hardeep Singh, under Section 138 of Negotiable Instruments Act, 1881, pending before the Court of learned SDJM, Balachaur.

Learned counsel for the petitioner has submitted that in the present case the petitioner was granted bail and on 21.09.2022 due to his non-appearance, his bail was cancelled and non-bailable warrants were issued against him. Now he is ready to appear before the Court below and join the proceedings in a complaint filed by respondent No.2 under Section 138 of the Negotiable Instruments Act. He was declared proclaimed person on 23.11.2022. He submits that the petitioner is ready to join the proceedings and contest the complaint on merits. It is further submitted that the petitioner could not appear before the Court below on 21.09.2022 because of the assurance given by counsel for the complainant that he would withdraw the complaint which was not done.

Notice of motion.

On asking of the Court, Mr. Sandeep Kumar, Deputy Advocate

General, Punjab accepts notice on behalf of the State.

Heard.

After hearing learned counsel for the parties, this Court is of the view that the present petition can be disposed of without issuing notice to respondent No.2 as resorting to that process will result in wastage of time. So keeping in view the abovesaid contentions, the present petition is disposed of and the order dated 23.11.2022 is set aside subject to payment of Rs.10,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within a week from today.

The petitioner is directed to appear and surrender before the trial Court within 10 days from today and produce the receipt of abovesaid costs alongwith appropriate application and the Court concerned would consider and decide the same within three days thereafter in accordance with law. The petitioner will have protection from arrest for a period of 10 days.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order dated 23.11.2022 will come in force.

30.01.2023
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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:Yes/No
Whether Reportable	:Yes/No