

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

**CRM-M-5115-2023
Date of decision : 01.02.2023**

Poonam @ Punam

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rakesh Chopra, Advocate and
Mr. Jashan Chopra, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of order dated 21.11.2017 in complaint NACT No.277 dated 03.05.2017 under Section 138 of Negotiable Instruments Act pending in the Court of Additional Chief Judicial Magistrate, Hoshiarpur vide which, the petitioner was declared proclaimed person, and all other subsequent proceedings.

Learned counsel for the petitioner has submitted that the petitioner was never served through summons or bailable or non-bailable warrants and the summons are alleged to have been received by the daughter of the petitioner and on account of non-appearance, warrants of arrest against her were issued and ultimately, she was declared proclaimed person. He submits that the matter has been amicably settled between the parties and the petitioner is ready to join the proceedings. He also submits that the part payment has already been made to the complainant by the petitioner.

Notice of motion to official respondents only.

On asking of the Court, Mr. Sandeep Kumar, DAG, 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 today itself without issuance of notice to the complainant 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 21.11.2017 is *set aside* subject to payment of Rs.20,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within a week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would consider and decide the same within three days thereafter in accordance with law. She will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, she will have no benefit of abovesaid protection granted by this Court and order under challenge dated 21.11.2017 would come in force.

(RAJESH BHARDWAJ)
JUDGE

01.02.2023
m. sharma

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