

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10138-2021 (O & M)

Date of decision: 24.01.2023

Mintu Kumar

... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Anshul Baghla, Advocate,
for Mr. Arjun Singh, Advocate,
for the petitioner.

Mr. Maninder Singh Bajwa, DAG, Punjab.

Mr. Rahul Bansal, Advocate,
for Mr. Ankit Bishnoi, Advocate, for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for the quashing of order dated 26.09.2019 (Annexure P-10) passed by the Judicial Magistrate Ist Class, Kharar, vide which the petitioner was declared a proclaimed person in the proceedings in a complaint under Section 138 of the N.I.Act, 1881.

On 22.09.2022, the following order was passed in this case:-

“The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 26.09.2019 (Annexure P-10) passed by the Judicial Magistrate Ist Class, Kharar, vide which the petitioner was declared as a proclaimed person in the proceedings in a complaint under Section 138 of the Negotiable Instruments Act, 1881.

On 04.03.2021, the following order was passed in this case:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Learned counsel for the petitioner contends that order Annexure P-10 dated 26.09.2019, declaring the petitioner as proclaimed person is without following the procedure stipulated under Section 82 Cr.P.C., therefore, is unsustainable and liable to be set aside.

Notice of motion.

Mr. Hittan Nehra, learned Addl. A.G., Punjab, accepts notice on behalf of respondent No.1 and requests for time to file reply.

Issue notice to respondent No.2 for 23.04.2021”.

Thereafter, on 13.05.2021, the following order was passed by this Court:-

“No one put in appearance on behalf of the petitioner and respondent No.2.

In the interest of justice, adjourned to 22.09.2022”.

Without going into the respective contentions of either party, if the petitioner surrenders before the Trial Court within a period of three days from today, he shall be admitted to interim bail to its satisfaction.

Adjourned to 30.09.2022”.

The learned counsel for the petitioner while referring to the Zimni order dated 23.09.2022 passed by the Judicial Magistrate Ist Class, Kharar, submits that the petitioner has since been admitted to interim bail. The aforesaid order is taken on record as Mark ‘A’.

In view of the above, no further orders are required to be passed by this Court. Disposed of.

It is expected that the petitioner shall henceforth not absent himself from the Trial except for sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

January 24, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No