

PARVEEN KUMAR GARG

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gurbir Singh Sidhu, Advocate for the petitioner.

Mr. M.S.Nagra, AAG Punjab.

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VIVEK PURI, J. (ORAL)

Petitioner is seeking to quash the order dated 14.02.2023 whereby he has been declared proclaimed person in the complaint case No. COMA-202-2017 titled as M/s Shri Bala Jee Polymers Vs. M/s Param Hans Traders, pending in the Court of learned Judicial Magistrate First Class, Barnala.

Learned counsel for the petitioner contends that the aforesaid complaint has been instituted on account of dishonor of the cheques worth Rs. 2,50,000/- issued by the petitioner in favour of respondent no.2. At the earlier instance, the petitioner had been appearing in the trial Court but during the course of trial, he had absented from proceedings and his warrants of arrest were issued. The petitioner had also moved an application under Section 438 Cr.P.C. before the Court of Sessions and the same has been dismissed. The petition preferred in this Court assailing the order datd 04.05.2021 vide which the application under Section 438 Cr.P.C. was dismissed has also been dismissed as withdrawn. The petitioner has

been declared as proclaimed person in terms of the order dated 14.02.2023.

Learned counsel for the petitioner contends that a sum of Rs. 70,000/- has already been paid to the respondent which is indicative from the statement dated 03.03.2020, Annexure P-7. The petitioner also unconditionally undertakes to pay another sum of Rs. 1,80,000/- to the respondent within a period of 4 weeks. However, this amount will not be taken as to be full and final satisfaction of the entire monetary claim due payable to the respondent and in the meanwhile, he may be protected.

The present petition is disposed of with a direction that the petitioner shall appear before the learned trial Court within a period of 4 weeks and shall deposit a sum of Rs. 1,80,000/- either in the Court to be paid to the complainant or the same may be paid to the complainant/respondent No.2 in the Court, if he is present at that point of time. The petitioner shall move an application for regular bail which may be disposed of in accordance with law. In the event of the payment/deposit of amount of Rs. 1,80,000/-, the arrest of the petitioner may not be effected till the disposal of the bail application by the trial Court and also for a period of two weeks, thereafter in the event, the bail application is dismissed.

14.03.2023

Janki

**(VIVEK PURI)
JUDGE**

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