

IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

116

CRM-M-15088-2023

Date of Decision: 24.03.2023.

M/S BISWAKARMA FURNITURE

....Petitioner

V/S

U.T., CHANDIGARH AND ANR

....Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Sahil Goel, Advocate for the petitioner.

GURBIR SINGH, J.(Oral).

This is a petition filed under Section 482 Cr.P.C. for quashing of the order dated 06.02.2023 passed by Ld. JMIC, Chandigarh in Complaint No.9025-2019 dated 25.07.2019 titled as Aadhar Housing Finance Limited Vs. M/s. Biswakarma Furniture under Section 138 of Negotiable Instruments Act read with under Section 142 may kindly be quashed whereby proceeding under Section 82 of Cr.P.C. is issued against the petitioner.

Learned counsel for the petitioner submits that the petitioner has been summoned in a case under Section 138 of the Negotiable Instruments Act. The petitioner did not receive any summons and now proceedings for declaring him as proclaimed person under Section 82 Cr.P.C. have been initiated on 06.02.2023 (Annexure P-5). Learned counsel for the petitioner further submits that the petitioner is ready to appear in the Court. Learned counsel for the petitioner states that he was never served and therefore the proceedings under Section 82 are illegal.

Notice of motion to respondent No.1 at this stage.

At the asking of the Court, Mr. Rajeev Anand, Addl.PP., UT, Chd appears and accepts notice on behalf of respondent No.1-UT. A copy of the paper book be supplied to him.

Petitioner is summoned under Section 138 Negotiable Instruments Act. It is a bailable case whenever a person accused of a bailable offence appears in a Court, then he is entitled to be released on bail. In case, the petitioner surrenders/ appears in the trial Court on or before the next date of hearing then he is entitled for bail.

The petitioner is directed to appear/ surrender in the trial Court as on before next date of hearing and move an application for bail which shall be decided on the same day.

In view of the above, present petition stands disposed of.

24.03.2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No