

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(116/A)

2023:PHHC:056409
CRM-M-19670-2023
Date of Decision: 21.04.2023

Gurpreet Singh @ Goldy @ Goldi

--Petitioner

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. J.S. Brar, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under 482 Cr.P.C praying for setting aside the order dated 27.2.2017 (Annexure P-6) passed by the learned SDJM, Baghapurana declaring the petitioner as Proclaimed Person in complaint case no.5 of 2016 dated 20.1.2016 titled as Gurbinder Singh Vs. Gurpreet Singh @ Goldy @ Goldi and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that petitioner has been prosecuted in the complaint filed by the complainant/respondent no.2 under Section 138 of Negotiable Instruments Act. It is submitted that during pendency of the petition both the parties have amicably settled the dispute and the amount in question has already been paid to respondent no.2. It is submitted that petitioner could not appear before the Trial Court as he was not served because his address was wrongly mentioned in the complaint. Now petitioner is keen to appear before the learned Trial Court and join the proceedings and as such, the impugned order may be set aside.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, D.A.G.,

Punjab accepts notice on behalf of respondent no.1 and Ms. Manpreet Kaur,

Advocate accepts notice on behalf of respondent no.2.

Learned counsel for respondent no.2 has affirmed the submissions made by counsel for the petitioner and submits that matter has been amicably settled by the parties.

Learned State counsel has contended that the petitioner has been rightly declared as a Proclaimed Person as he failed to appear before the court on the date fixed.

After hearing counsel for the parties and perusing the record, this court is of the opinion that as the petitioner is now keen to join the proceedings, no useful purpose will be served by sending him behind the bars so keeping in view the above said facts, the impugned order dated 27.2.2017 (Annexure P-6) deserves to be set aside subject to payment of Rs.25,000/- to be deposited with the Poor Patients' Welfare Fund, P.G.I.M.E.R., Chandigarh by the petitioner within a period of one week from today. Petitioner is directed to surrender before the learned Trial Court within a period of 10 days from today and file an appropriate application along with receipt showing payment of above said cost before the learned Trial Court and on his doing so the Trial Court will admit him to bail subject to its satisfaction. Arrest of the petitioner shall remain stayed for a period of 10 days from today.

Petition is disposed of in the above terms.

(RAJESH BHARDWAJ)
JUDGE

21.04.2023

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No