

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

**CRM-M-21995-2023
DECIDED ON: 02.05.2023**

JMS INVESTMENTS PRIVATE LIMITED

.....PETITIONER

VERSUS

STATE OF UT AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Narinder Singh Dadwal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 of Cr.P.C., for quashing of order dated 13.04.2023 (Annexure P-2), whereby the petitioner No.2 has been declared as Proclaimed person in complaint No.CIS No.7741/2020 dated 03.12.2020 under Section 138 of Negotiable Instruments Act, 1881.

Learned counsel for the petitioner contends that on 13.04.2023, the petitioner has moved an application seeking another opportunity to appear and surrender before the trial Court on the ground that he was not feeling well. The said application was not accepted and in fact an order has been passed not to initiate the proceedings under Section 83 of Cr.P.C., and file of the complaint was ordered to be consigned to record room and will be taken up again as and when accused is arrested or surrenders or complainant furnishes some list of properties of the petitioner-accused.

Mr. A.M. Punchhi, APP, UT, Chandigarh puts in appearance on behalf of respondent-UT Chandigarh.

Having heard learned counsel for the respective parties and perusing the pleadings recorded in the instant petition that the petitioner was suffering from dengue, who could not attend the Court on 13.04.2023 and application was also duly filed before the Court, which was not accepted, as has been alleged by the counsel for the petitioner.

Without going further into the issue, as to whether any application was accepted or not by the trial Court, the order dated 13.04.2023 is set aside.

The petitioner is directed to surrender before the trial Court on 04.05.2023 and in case, he moves any application for regular bail, the same shall be considered on that very day itself in accordance with law.

In view of the above, petition stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

02.05.2023

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>