

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(116)

2023:PHHC:077117
CRM-M-26967-2023
Date of Decision: 26.05.2023

Rajesh Kumar

--Petitioner

Versus

State of Haryana & another

--Respondents

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

Present:- Mr. Amit Khari, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under 482 Cr.P.C praying for quashing FIR No.229 dated 14.11.2019 registered under section 174-A IPC at Police Station, Ambala Sadar, District Ambala including the order dated 4.1.2022 passed by learned JMIC, Ambala whereby bail bonds/surety bonds of the petitioner were cancelled in complaint case i.e. COMA-977-2017 under section 138 of N.I. Act.

Learned counsel for the petitioner submits that petitioner was prosecuted in the complaint filed under Section 138 of Negotiable Instruments Act. He was granted bail by the court. It is submitted that petitioner inadvertently missed the date of hearing and could not appear on the date fixed due to communication gap between the petitioner and his counsel. Thereafter, petitioner was declared a Proclaimed Offender and his bail bonds and surety bonds were cancelled by the Trial Court vide order dated 4.1.2022. It is further submitted that the matter has been compromised by the petitioner and the complaint has already been withdrawn by the complainant on 15.3.2023.

Notice of motion to respondent no.1, at this stage.

On the asking of the Court, Mr. B.S. Virk, Sr. D.A.G., Haryana accepts notice on behalf of respondent-State.

Learned State counsel has contended that the petitioner has been rightly declared as a Proclaimed Offender as he failed to appear before the court on the date fixed without any reasonable cause.

After hearing counsel for the parties and perusing the record, this court is of the opinion that as the matter has been settled by the parties and the main complaint has already been withdrawn as is clear from the order dated 15.3.2023 placed on record, no useful purpose will be served by keeping the proceedings alive. So keeping in view the above said facts, the impugned order dated 4.1.2022 (Annexure P-3) is set aside subject to payment of Rs.10,000/- as costs 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 file the receipt showing deposit of above said costs before the Registry of this court, within a period of 10 days from today.

Consequently, order dated 4.1.2022 (Annexure P-3) and FIR No.229 dated 14.11.2019 registered under section 174-A IPC at Police Station, Ambala Sadar, District Ambala, are set aside.

In case the petitioner fails to deposit the costs as stated above, the Registry is directed to list the case as an IOIN in motion hearing for further orders.

Petition is disposed of in the above terms.

(RAJESH BHARDWAJ)
JUDGE

26.05.2023

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