

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33208-2023
Decided on : 13.07.2023

Gurmail Singh Petitioner

Versus

Sarabjeet Kaur Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parunjeet Singh, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed under Section 482 Cr.PC for quashing of the order dated 30.07.2022 (Annexure P-8) passed by JMIC, Chandigarh in complaint No.NACT/6261 of 2015 under Section 138 of Negotiable Instrument Act which the petitioner was declared as a Proclaimed Person.

2. Learned counsel for the petitioner submits that the petitioner was declared a proclaimed person vide impugned order in a complaint case under Section 138 of Negotiable Instrument Act. Learned counsel further submits that the provisions of Section 82 Cr.PC had not been fully complied with as it was a matter of record that when the impugned order was passed, 30 days had not elapsed. Learned counsel still further submits that on this ground itself the impugned order deserves to be set aside. It has also been submitted that the petitioner is willing to appear and surrender and thereafter join proceedings before the trial Court.

3. Notice of motion.

4. On the asking of Court, Mr. Amit Rana, Sr. DAG, Punjab accepts notice on behalf of the respondent-State.
5. In view of the submissions made above, the petition is disposed of with directions to the petitioner to appear and surrender before the trial Court within a period of seven days and move appropriate application for grant of bail. Till then no coercive steps be taken against the petitioner. The trial Court on such application being moved shall decide it within two days in accordance with law. It is, however, made clear that in case the petitioner fails to appear and surrender before the Court below within the above stipulated time period, then this order shall be of no avail to him.

13.07.2023
sonia

(MANJARI NEHRU KAUL)
JUDGE

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