

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(124)

CRM-M-34869-2023
Date of Decision:- 20.07.2023

Babu Ram

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sandeep Godara, Advocate for the petitioner.

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing impugned order dated 01.04.2023 (Annexure P-2) passed by learned Judicial Magistrate First Class, Patiala in criminal complaint instituted by respondent No.2 under Section 138 of the Negotiable Instruments Act, 1881 bearing case no. COMA/1231/2018 titled as “*State Bank of India vs Babu Ram*”.

2. Counsel for the petitioner submits that the complaint has been instituted by the Bank-respondent No.2 on the allegation that the petitioner, who had taken a loan of Rs.12 lacs, had given a cheque of Rs.14,09,135/- to the Bank in discharge of a legally enforceable debt. Counsel submits that the petitioner appeared before the trial Court and the attempts to amicably settle the dispute between the parties, failed. Counsel submits that due to reasons beyond his control, petitioner could not appear before the trial Court and by virtue of the impugned order, he has been declared as a

Proclaimed Person. Counsel submits that the petitioner is prepared to appear before the trial Court and join the proceedings and deposit any cost as this Court deems reasonable.

- 3. Notice of motion restricted to respondent No.1 only at this stage.
- 4. On asking of the Court, Mr. Arun Luthra, DAG, Punjab accepts notice on behalf of respondent No. 1. He does not have any instructions in the matter.
- 5. I have considered the submissions made by counsel for the parties.
- 6. Considering the fact that the petitioner is prepared to join the proceedings, this Court deems it appropriate to grant him one opportunity to do so subject to payment of costs. Accordingly, impugned order, Annexure P-2, is set aside. Petitioner shall surrender before the Trial Court within a fortnight from today and join the proceedings. In case, he does so, the Trial Court shall release him on bail on furnishing bail/surety bonds to its satisfaction, subject to deposit of cost of Rs.15,000/- with the P.G.I.M.E.R., Chandigarh. The receipt of the deposit shall be furnished by the petitioner before the Trial Court, which will be a condition precedent for his release on bail.
- 7. Petition is disposed of.

(SUVIR SEHGAL)
JUDGE

20.07.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No