

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-51250-2019

Date of Decision:-10.10.2023

Maninder Singh @ Robin.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. Komal Balain, Advocate for Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the petition under Section 482 Cr.PC is for quashing of Complaint no.824 dated 27.09.2018 under Section 138 of the Negotiable Instruments Act, 1881 titled as Gurbinder Singh Vs. Maninder Singh @ Robin pending in the court of JMIC, Fatehgarh Sahib, summoning order dated 13.12.2018 and order dated 18.07.2019 vide which the petitioner has declared proclaimed person.

On 04.12.2019 the following order was passed:-

“ *The prayer in the petition filed under Section 482 of the Code of Criminal Procedure, 1973 is for quashing of Complaint No.824 dated 27.09.2018 filed under Sections 138 of the Negotiable Instruments Act, 1881 titled as Gurprinder Singh Vs. Maninder Singh alias Robin pending in the Court of learned Judicial Magistrate Ist Class, Fatehgarh Sahib and summoning order dated 13.12.2018 and order dated*

18.07.2019 vide which the petitioner has been declared proclaimed person.

Notice of motion.

On the asking of the Court, Mr. Sandeep Singh Deol, D.A.G. Punjab accepts notice on behalf of respondent-State. Copy of the paper book has been supplied to the learned State Counsel, who seeks time to complete his instructions.

Adjourned to 30.01.2020.

Notice to respondent No.2 be also issued for that date and be also given dasti, if so desired.

In the meanwhile, the petitioner is directed to appear before the trial Court within 10 days and on such appearance he shall be released on interim bail on furnishing of bail bonds by him to the satisfaction of the trial Court.”

Thereafter on 30.01.2020 the following order was passed:-

“ *As per office report, notice issued to respondent No.2 has been received back duly served but none has appeared on behalf of respondent No.2.*

None has appeared on behalf of the petitioner.

In the interest of justice, adjourned to 30.03.2020.

Interim order to continue.”

Thereafter on 26.04.2022 the following order was passed:-

“ *Perusal of the officer report shows that service upon respondent No.2 has been duly effected, however, there is no representation of the said respondent.*

In the interest of justice, adjourned to 24.08.2022 to await representation on behalf of the respondent No.2.”

Thereafter the matter was not taken up for hearing and came up for hearing on 10.01.2023 on which date the matter was adjourned to

19.04.2023 after which once again the matter did not come up for hearing.

Thereafter on 06.09.2023 the following order was passed:-

“ *On 04.12.2019, the following order was passed:-*

The prayer in the petition filed under Section 482 of the Code of Criminal Procedure, 1973 is for quashing of Complaint No.824 dated 27.09.2018 filed under Sections 138 of the Negotiable Instruments Act, 1881 titled as Gurprinder Singh Vs. Maninder Singh alias Robin pending in the Court of learned Judicial Magistrate Ist Class, Fatehgarh Sahib and summoning order dated 13.12.2018 and order dated 18.07.2019 vide which the petitioner has been declared proclaimed person.

Notice of motion.

On the asking of the Court, Mr. Sandeep Singh Deol, D.A.G. Punjab accepts notice on behalf of respondent-State. Copy of the paper book has been supplied to the learned State Counsel, who seeks time to complete his instructions.

Adjourned to 30.01.2020.

Notice to respondent No.2 be also issued for that date and be also given dasti, if so desired.

In the meanwhile, the petitioner is directed to appear before the trial Court within 10 days and on such appearance he shall be released on interim bail on furnishing of bail bonds by him to the satisfaction of the trial Court.

The learned counsel for the petitioner submits that she shall get her instructions as to whether the aforementioned order has been complied with.

List on 29.09.2023.

In the meantime, the Trial Court is directed to send a report to this Court regarding the status of the trial arising out of the instant complaint. ”

As per the aforementioned order the Trial Court was directed to send a report as to whether the petitioner had appeared before the Court in terms of the order dated 04.12.2019.

As per the report of Ms. Krishnanuja Mittal, JMIC, Fatehgarh Sahib dated 26.09.2023 the petitioner did not comply with the aforementioned order as per which he was to surrender before the Trial Court within 10 days and he was to be released on interim bail.

In view of the above, I find no merit in the present petition and the same stands dismissed. The investigating agency is free to proceed against the petitioner in accordance with law.

(JASJIT SINGH BEDI)
JUDGE

October 10, 2023
Vinay

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