

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

142

2024:PHHC:015360

CRM-M-4822-2024

Date of decision: February 5th, 2024

Rahul

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Aditya Dassaur, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking quashing of criminal complaint No.NACT 224 of 2019 dated 27.05.2019 titled as 'Sanjeev Kumar Vs. Rahul' registered under Section 138 of the Negotiable Instruments Act, and all subsequent proceedings arising therefrom including the order dated 31.08.2022 passed by the trial Court, whereby he had been declared as proclaimed person in the above-mentioned complaint, on the basis of compromise dated 06.12.2023 (Annexure P-2) arrived at between the parties.

2. Learned counsel for the petitioner submits that vide order dated 31.08.2022 (Annexure P-4), the petitioner was declared a proclaimed person, however, it is a matter of record that the parties have arrived at an amicable settlement on 06.12.2023. Learned counsel submits that he would restrict his prayer for quashing of order dated 31.08.2022 passed by the trial Court, whereby he had been declared as proclaimed person.

3. Learned counsel further submits that the petitioner is ready and willing to appear and surrender before the trial Court. Hence, in the

above-mentioned facts and circumstances, the petitioner be protected till his appearance before the trial Court and trial Court be directed that his application, which he would be filing on his surrender, be decided expeditiously.

4. Notice of motion.

5. On asking of the Court, Mr. Mohit Kapoor, Additional Advocate General, Punjab, accepts notice on behalf of respondent No.1.

6. At this stage, Ms. Monika Jangra, Advocate, has put in appearance on behalf of respondent No.2 and does not dispute the factum of parties having amicably settled their dispute vide compromise dated 06.12.2023 (Annexure P-2).

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. In view of the limited prayer made by the learned counsel for the petitioner, the petition is disposed of with direction to the petitioner to appear and surrender before the trial Court within one week from today. Till then, no coercive steps shall be taken against the petitioner.

9. However, it is made clear that in case the petitioner fails to surrender before the Court below within the above stipulated time period, this order shall be of no avail to him, thereafter. In case, on appearance and surrender, the petitioner moves an application for bail before the trial Court, the same shall be decided by the trial Court in accordance with law.

February 5th, 2024

Puneet

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No