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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-5787-2023

Date of Decision: 27.05.2024

AMIT BANSAL @ KUMAR AMIT BANSAL

... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Surinder Thakur, Advocate for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

The present petition under Section 482 Cr.P.C has been preferred by the petitioner for quashing of the impugned order dated 07.01.2023 (Annexure P-6) passed by learned Judicial Magistrate First Class, Hoshiarpur, whereby the petitioner had been declared as proclaimed person in complaint case bearing NACT No. 156 of 2021 dated 02.04.2021 titled as Pardeep Sood Vs. Amit Bansal etc.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 03.02.2023, petitioner appeared before the learned trial Court and furnished requisite bonds and surety bonds vide order dated 16.02.2023 passed by the learned learned Judicial Magistrate First Class, Hoshiarpur. He submits that the petitioner appeared in Court and furnished the bail bonds, as such order dated 07.01.2023 (Annexure P-6) passed by learned Judicial Magistrate First Class, Hoshiarpur stands



culminated and continuation of the same is abuse of process of law. He prays for acceptance of the petition.

3. Learned State counsel has not disputed the aforesaid factual position and submits that in compliance of the order dated 03.02.2023 passed by this Court petitioner appeared before the trial Court and furnished requisite bail bonds on 16.02.2023.

4. Heard.

5. During the course of the proceedings, following order was passed on 03.02.2023:-

“By way of this petition, prayer is made to quash the order dated 07.01.2023 (Annexure P-6), whereby petitioner has been declared proclaimed person in a criminal complaint case bearing NACT No.156 of 2021 titled as “Pardeep Sood vs Amit Bansal etc.” pending in the Court of learned Judicial Magistrate 1st Class, Hoshiarpur.

It is contended that two different complainants regarding dishonour of two different cheques were filed by the respondent-complainant; one bearing NACT No.156 of 2021 and other bearing NACT No.80 of 2021, in which he is on bail and proceedings are going on. He was not aware about the pendency of the other complaint bearing NACT No.156 of 2021 and has been wrongly declared proclaimed person by way of impugned order.

Notice of motion for 20.03.2023.

In the meantime, petitioner is directed to appear before the Trial Court in complaint case bearing NACT No.156 of 2021 within 15 days from today. On his appearance, learned Trial Court shall consider his bail application on the same day.”

6. Keeping in view the fact that the petitioner has already appeared before the learned trial Court and furnished his requisite bail/surety bonds on 16.02.2023, consequent to the order dated 03.02.2023, passed by this Court, as such continuation of impugned order dated 07.01.2023 (Annexure P-6) passed by learned Judicial Magistrate First Class, Hoshiarpur, whereby the petitioner has been declared as proclaimed person, is abuse of process of



law.

7. Resultantly, the present petition is allowed, and the order dated 07.01.2023 (Annexure P-6), passed by learned Judicial Magistrate First Class, Hoshiarpur, whereby the petitioner has been declared as proclaimed person is hereby set aside and the interim bail granted vide order dated 03.02.2023 is hereby confirmed.

8. The Petition stands allowed.

(SANJIV BERRY)
JUDGE

27.05.2024
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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |