



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

404

**CRM-M-6356-2024 (O&M)
Date of Decision:- 05.11.2024**

SATINDERPAL SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Sahil Vashisht, Advocate
for the petitioner.

Mr. Iqbalpreet Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition preferred under Section 482 Cr.P.C. the petitioner has sought quashing of the complaint NACT No.2571 of 2022 (Annexure P-1) and impugned order dated 25.08.2023 (Annexure P-6) passed by the Court of learned Judicial Magistrate First Class, Chandigarh whereby the petitioner was declared as proclaimed person in the aforementioned complaint.

2. At this stage, learned counsel for the petitioner seeks withdrawal of the petition qua quashing of the complaint NACT No.2571 of 2022 (Annexure P-1) with liberty to take appropriate efficacious remedy available to the petitioner in accordance with law.



3. In view of the statement, the petition qua quashing of the complaint stands withdrawn with liberty to the petitioner to seek appropriate efficacious remedy available under the law.

4. Learned counsel for the petitioner has submitted that in compliance to the order dated 19.03.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 28.03.2024, passed by Judicial Magistrate First Class, Chandigarh, whereby the petitioner has been admitted on interim bail by the learned trial Court.

5. Learned State counsel has not disputed the aforesaid factum.

6. Heard.

7. During the course of proceedings on 19.03.2024 the following order was passed.

“2. Learned counsel for the petitioner, inter alia, contends that the petitioner has no concern with respondent No.3- Smarb Creations, which had issued the impugned cheque dated 04.11.2021 (Annexure P-4) in favour of respondent No.2- Manjeet Singh and on the basis thereof, the instant complaint bearing NACT No.2571 of 2022 titled ‘Manjeet Singh Versus Smarb Homes Pvt. Ltd. and others’ (Annexure P-1) has been instituted under Section 138 of Negotiable Instruments Act, wherein the learned trial Court had summoned accused Nos.1, 2 and 4. Accused No.4 being the present petitioner. He further contends that the petitioner has no concern with M/s Smarb Creations nor he was authorised signatory thereof. He further submits that even the account number mentioned in the cheque belongs to M/s Smarb Creations and as per the registration certificate (Annexure P-7) it belongs to Jatinder Singh son of Sucha Singh. He further submits that the petitioner only worked in this firm as ‘Sales Representative’ but had resigned



way back on 31.05.2019 vide Annexure P-2 and on the alleged date of issuance of cheque, the petitioner had no concern with the firm in question nor he was the account holder, as such, he has no liability whatsoever arising out of the dishonour of the said cheque.

3. Learned counsel for the petitioner further submits that although learned trial Court had summoned the present petitioner but he had never received any summon, notice or warrants in the case, however, the learned trial Court proceeded to pass the impugned order dated 25.08.2023 (Annexure P-6) declaring the petitioner as proclaimed person in this case. He submits that no proclamation was ever issued for the presence of petitioner in the Court on 25.08.2023 and as such the impugned order is in violation of the provisions contained in Section 82 Cr.P.C.

4. Notice of motion returnable for 14.05.2024.

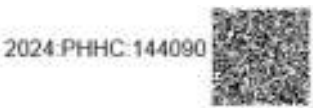
5. On the asking of the Court, Mr. Harpreet Singh, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent No.1-State.

6. Notice to respondent No.2 and 3 be also issued through Registry for the next date of hearing.

7. Dasti as well.

8. In the meanwhile, the petitioner is directed to appear in the trial Court within 10 days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the trial Court.”

8. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 19.03.2024 passed by this Court, the present petition is partly allowed. The order dated 25.08.2023 (Annexure P-6) passed by the Court of learned Judicial Magistrate First Class, Chandigarh is set aside and the interim bail granted vide order dated 19.03.2024 is hereby confirmed. As stated in para 3, the petition qua quashing of the complaint stands



withdrawn.

- 9. Disposed of accordingly.
- 10. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

05.11.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No