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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**CRM-M-5706-2024
Date of decision: 05.02.2024

Chaman Lal

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGHPresent: Mr. S.K. Banga, Advocate for the petitioner.
******KARAMJIT SINGH, J. (ORAL)**

1. The present petition has been filed by the petitioner/accused under Section 482 Cr.P.C. for quashing of impugned order Annexure P-11 dated 03.10.2023 whereby the petitioner has been declared as proclaimed person in a criminal complaint NACT-443-2019 titled as Narender Kaur Vs. Chaman Lal under Section 138 NI Act.
2. Counsel for the petitioner submits that on receiving the notice of the aforesaid complaint, the petitioner appeared and was granted regular bail by the learned trial Court. That due to unavoidable circumstances, the petitioner failed to appear before the trial Court on 21.10.2022 and his bail bond were cancelled and he was ordered to be summoned through non bailable warrants of arrest. The petitioner never received any such warrants of arrest and was wrongly declared as proclaimed person vide impugned order Annexure P-11 and that the petitioner is ready to appear before the trial Court and to handover the cheque amount worth Rs.20,000/- to the complainant in order to settle the dispute in an amicable manner.

3. Notice to respondent No.1

4. Mr. J.S. Guru, AAG, Punjab accepts notice on behalf of respondent No.1/State submits that the impugned order was passed in a private criminal complaint lodged by respondent No.2 against the petitioner under Section 138 NI Act and the State is having no instructions with regard to subject matter in question.

5. From the perusal of Annexure P-11, it appears that clear period of 30 days from the date of publication of proclamation was not given to the petitioner for his appearance before the Court concerned, as per mandate of Section 82 Cr.P.C. Further, the counsel for the petitioner submits that the petitioner is ready to make payment of amount relating to cheques in dispute i.e. Rs.20,000/- in total and the petitioner is ready to join the proceedings before the trial Court.

6. In view of the above, without expressing on the merits of the case, the present petition is allowed and the impugned order Annexure P-11 dated 03.10.2023 is set aside and the petitioner is directed to appear before the trial Court within next 10 days and on doing so, the petitioner be released on regular bail by the said Court to its own satisfaction subject to deposit of Rs.20,000/- by the petitioner with the said Court and the said deposit is to be adjusted towards the final settlement in case any compromise is materialized between the parties, otherwise, the said deposit will be subject to final decision of the trial.

05.02.2024

Yogesh

Whether speaking/reasoned:-

Whether reportable:-

(KARAMJIT SINGH)

JUDGE

Yes/No

Yes/No