

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11879 of 2024 (O&M)
Date of Decision: 06.03.2024

Pritam Rana & Anr.

...Petitioners

Versus

State of Haryana & Anr.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Randeep Tanwar, Advocate
For the petitioner.**

**Mr.Neeraj Sheoran, DAG Haryana
For respondent No.1-State.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioners under Section 482 Cr.P.C. for quashing of order dated 21.05.2022 passed by the Court of Judicial Magistrate Ist Class, Hisar vide which the petitioners were declared proclaimed offenders in a criminal complaint NACT-2434 of 2018 titled Partap Singh Vs. Ikraft Homes, under Section 138 of Negotiable Instruments Act (for short, NI Act) and further for quashing of consequential FIR No. 312 dated 30.06.2022 under Section 174-A IPC (Annexure P-2) registered in Police Station Urban Estate-II Hisar.

2. The counsel for the petitioner submits that the offence under Section 138 NI Act is a bailable offence and that the petitioner is ready to deposit the cheque amount in question worth Rs.1,00,000/- in the trial Court in order to show his *bonafide* and intention to settle the dispute in an amicable manner by his surrender before the trial Court and to seek regular bail in the complaint case as well as FIR (Annexure P-2).

3. Mr. Neeraj Sheoran, DAG Haryana, who is having advance notice of the petition submits that the case is relating to private criminal complaint lodged by respondent No.2 against the petitioners under Section 138 of NI Act.

4. Admittedly, offence under Section 138 of NI Act is a bailable offence. From a perusal of Annexure P-14 it appears that earlier the petitioner was ready with bank draft of Rs.4,00,000/- to deposit the same in the Court concerned to show his *bonafide* to enter into a compromise with the complainant in four criminal complaints relating to cheque of Rs.1,00,000/- each. Now the counsel for petitioner has showed the willingness of the petitioner to deposit demand draft of Rs.1,00,000/- with regard to the present complaint under Section 138 of NI Act. The object of the proceedings under Section 82 Cr.P.C. is to procure the presence of the accused. Now in the present case petitioners are willing to join the proceedings before the trial Court.

5. In the given circumstances, the present petition is hereby disposed of and the impugned order dated 21.05.2022 (Annexure P-1) is set aside with direction to the petitioner to appear before the learned trial Court within next four weeks and on their doing so the petitioners are to be released on regular bail by the said Court to its own satisfaction subject to deposit of demand draft of Rs.1,00,000/- by the petitioner with the said Court. As far as FIR (Annexure P-2) is concerned, the petitioner is directed to appear before the trial Court and to move an application seeking grant of regular bail which shall be decided by the said Court on the same very day, in accordance with law. The petitioner is also given liberty to file fresh petition for quashing of FIR (Annexure P-2), on merits as well as on the

basis of compromise, if the same is materialize. In case the petitioners fail to comply with the aforesaid directions, the instant petition will be deemed to have been dismissed.

6. Disposed of in above terms.

06.03.2024
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No