

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CRM-M-7419-2024
Date of Decision : February 13, 2024

SAMPURAN SINGH -PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. C.M. Munjal, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., the petitioner seeks quashing of the order dated 01.05.2023 (Annexure P-4), whereby, he has been declared as “Proclaimed Person” in the proceedings emanating from Complaint No.NACT/542/2020, filed under Sections 138, 142, 143 of the Negotiable Instruments Act, and, Section 420 of the IPC.
2. Though the learned counsel for the petitioner has herein challenged the impugned order (Annexure P-4), however, he could not cite any illegality or perversity therein. Therefore, he submits that the petitioner is ready and willing to join the trial proceedings, in case he is granted adequate protection.
3. *Per contra*, the learned counsel for the complainant has opposed the prayer made by the learned counsel for the petitioner and

submits that the petitioner is not entitled for any relief.

4. Considering the innocuous prayer of the learned counsel for the petitioner, coupled with the fact that the petitioner has been summoned to face trial for commission of offence under Section 138 of the Negotiable Instruments Act, which is a bailable offence, and the fact that, the underlying object behind declaring any person as “Proclaimed Person/Offender” is to secure his presence for facing trial, though this Court does not find any illegality or perversity in the impugned order (Annexure P-4), however, taking a lenient view, this Court, at this stage, deems it appropriate to grant an opportunity to the petitioner to appear before the learned trial Court concerned.

5. Consequently, the instant petition is **disposed of** with a direction to the petitioner to, within 15 days from today, appear before the learned trial Court concerned. Moreover, in case, the petitioner appears before the learned trial Court concerned and makes an application for grant of bail, the latter shall make an endeavour to decide the said application most expeditiously, i.e. on the same day, however, after granting adequate opportunity of hearing to the other party. The arrest of the petitioner shall remain stayed only for the next 15 days.

5. It is clarified that, in case, the petitioner fails to appear before the learned trial Court concerned with the above stipulated period, the protection granted hereinabove *qua* his arrest shall stand automatically vacated, without any further reference to this Court.

February 13, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No