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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12893-2024
DECIDED ON:14.03.2024

AVTAR SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. LS Mann, Advocate
for the petitioner.

SANDEEP MOUDGIL, J.(ORAL)

The present petition has been filed under Section 482 Cr.P.C for seeking quashing of impugned order dated 13.02.2024 (Annexure P-10) passed by Sub Judicial Magistrate Ist Class, Khanna, vide which non-bailable warrants against the petitioner have been issued in a complaint case bearing No.COMI/16/2016 dated 05.05.2016 (Annexure P-1), under Section 406, 420 & 506 IPC (later on summoned under Section 406 IPC vide order dated 16.3.2020).

Learned counsel for the petitioner submits that for a transaction which allegedly took place in 2006 and on account of non-payment of interest as has been complained by respondent No.2, the instant complaint came to be lodged against the petitioner in which he was summoned to face trial and against that summoning order, the petitioner availed the remedy of revision petition before the learned Additional Sessions Judge, Ludhiana and the same was dismissed on 10.07.2023. Due to miscommunication between the petitioner and his counsel, he had no information about the dismissal of the

revision petition and he continued to remain absent from the trial Court and on that count on 13.02.2024, learned Judicial Magistrate, Ist Class, Khanna, issuedailable warrants against the petitioner. Thereafter, the petitioner immediately had approached this Court through CRM-M-11369-2024, which was dismissed as withdrawn on 04.03.2024 with liberty to file fresh with better particulars. Thereafter, the instant petition has been preferred for quashing of order dated 13.02.2024 (Annexure P-1), wherein in para 9 onwards, the details qua the proceedings before the trial court have been explained which could be read as under:-

“9. That, thereafter on 25.10.2023, it was ordered that notice be issued to the petitioner for 17.11.2023 as earlier notice was not issued. Copy of order dated 25.10.2023 is attached herewith as Annexure P-6.

10. That, on 17.11.2023, again notice was issued as the same was received back unserved with the report of house locked. The copy of order dated 17.11.2023 is attached herewith as Annexure P-7.

11. That thereafter, on 01.12.2023 also, the matter was adjourned to 11.01.2024 and on 11.01.02024, though notice issued to the petitioner was received back with the report not met, then also the trial Court directly issuedailable warrant against him for 22.01.2024. The copy of order dated 11.01.2024 is attached herewith as Annexure P-8.

12. That on 22.01.2024, the matter was again adjourned for 13.02.2024, as bailiff was on leave. The copy of order dated 22.01.2024 is attached herewith as Annexure P-9.

13. That on 13.2.2024, the learned trial Court after noting the fact that bailable warrant issued to the petitioner not received back, simply issued non-bailable warrants for 02.03.2024. The copy of order dated 13.02.2024 is attached herewith as Annexure P-10.”

Learned counsel for the petitioner in the light of the above factual aspect vehemently contends that the absent of the petitioner was not intentional but was due to lack of knowledge of law as he is just a matriculate and has no knowledge of the judicial process, who kept staying at home instead of contacting the counsel regarding the status of the case and in all these circumstances, the impugned order came to be passed. He further assures the Court that the petitioner will not commit any such error during the course of trial proceedings and will surrender before the trial Court on Monday i.e. on 18.03.2024.

Considering the aforesaid assurance and to see the bonafide of the petitioner, this Court directs the petitioner to surrender before the trial Court on 18.03.2024 and in case of doing so, the application, if any, move for seeking bail before the said Court, the same may be considered and decided in accordance with law. However, the aforesaid concession shall be subject to payment of Rs.15,000/-, to be deposited with the Punjab and Haryana Clerks Association and receipt of which shall be produced by the petitioner when he will surrender before the trial Court on 18.03.2024.

The petition stands disposed of accordingly.

14.03.2024

monika

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(SANDEEP MOUDGIL)
JUDGE