



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-13720-2024
Date of decision: 11.09.2024

SUKHDEV SINGH

....PETITIONER

Versus

KOTAK MAHINDRA BANK

....RESPONDENTS.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. N.S. Swaitch, Advocate for the petitioner.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 of Cr.P.C., petitioner seeks quashing of impugned order dated 27.10.2023 (Annexure P-7) passed by the learned Judicial Magistrate Ist Class, Chandigarh, in a complaint bearing No. *NACT No.4631 of 2022* titled '*Kotak Mahindra Bank Versus Sukhdev Singh*', vide which the learned Judicial Magistrate Ist Class, Chandigarh, initiated the proceedings under Section 82 of Cr.P.C. against the petitioner for declaring him as proclaimed offender.

2. As per office report, summons sent to complainant- Kotak Mahindra Bank, Branch Office at Madhya Marg, Sector 9-C, Chandigarh, received back with the report that the matter relates to Mohali Branch. This from the perusal of record *ipso facto* shows to be incorrect report as from the perusal of the copy of complaint (Annexure P-2), the complainant is mentioned as Kotak Mahindra Bank having Branch Office at Madhya Marg, Sector 9-C, Chandigarh, as has been mentioned in the memo of



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parties by the petitioner. Therefore, it can be inferred that the respondent-complainant has nothing to say in the present petition and it is considered to be due service of the notice but none has put in appearance on behalf of the complainant.

3. It is, *inter alia*, contended by learned counsel for the petitioner that in compliance to the order passed by this Court on 18.03.2024, the petitioner has appeared before the learned trial Court and furnished the requisite bail bonds. In support of his contention, he has placed on record copy of order dated 22.03.2024 passed by learned Judicial Magistrate Ist Class, Chandigarh, in this regard in the complaint titled '*Kotak Mahindra Bank Versus Sukhdev Singh*'.

4. This aspect is not disputed by learned State counsel.

5. During the course of hearing on 18.03.2024, following order was passed:

"3. Learned counsel for the petitioner, inter alia, submits that the petitioner has been summoned in the aforesaid complaint case under Section 138 of Negotiable Instruments Act vide order dated 26.07.2022 (Annexure P-2) but he never received any notice or summons in the case but the learned trial Court proceeded to issue non-bailable warrants of arrest of the petitioner. She submits that the petitioner is ready to appear in the trial Court and face the trial in accordance with law.

4. Notice of motion returnable for 05.04.2024.

5. Dasti as well.



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6. Respondent be served through the learned Standing counsel on behalf of respondent on or before the next date of hearing.

7. In the meanwhile, the petitioner is directed to appear in the trial Court/Duty Magistrate within seven 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.”

6. 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 18.03.2024, passed by this Court, the present petition is allowed. The order dated 27.10.2023, passed by learned Judicial Magistrate Ist Class, stands quashed and the interim bail granted vide order dated 18.03.2024 is hereby confirmed.

7. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

11.09.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |