

KULDEEP SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Munish Bhardwaj, Advocate
for the petitioner.

Mr. Jasjeet Singh Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

The present petition has been filed by the petitioner seeking quashing of order dated 31.08.2023 (Annexure P-23) passed by the Court of Judicial Magistrate First Class Amloh, whereby the petitioner has been declared as Proclaimed Person in a Criminal Complaint NACT No.353 dated 24.08.2016 titled as “Gurdeep Singh Vs. Kuldeep Singh” under Section 138 of NI Act.

2. Counsel for the petitioner submits that petitioner never received any notice/summons/warrants issued by the Court concerned with regard to pendency of the aforesaid Criminal Complaint. It is further submitted that the impugned order dated 31.08.2023(Annexure P-23) was not passed in accordance with law and deserves to be set aside. It is further submitted that there is no intention on part of the petitioner to delay the proceedings before the trial Court and the petitioner is ready to appear before the trial Court as the offence under Section 138 of NI Act is a bailable offence.

3. Admittedly, offence punishable under Section 138 of NI Act is a bailable offence. Further provision of Section 82 Cr.P.C. is not meant to punish the accused but has sole purpose of compelling him to appear before the Court concerned.
4. In light of the above, without expressing any opinion on the merits of the case, instant petition is allowed and impugned order dated 31.08.2023 (Annexure P-23) is set aside. The petitioner is directed to appear before the trial Court concerned within next 15 days and to seek regular bail for an offence under Section 138 of NI Act subject to cost of Rs.10,000/- to be deposited by the petitioner with the District Legal Services Authority concerned.

18.03.2024

Priyanka Thakur

(KARAMJIT SINGH)

JUDGE

1. Whether speaking/reasoned:

Yes/No

2. Whether reportable:

Yes/No