

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15167-2023

Date of Decision : May 06, 2024

Divik Chhabra

.....Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present : Mr. Vibhor Bansal, Advocate for the petitioner.

Mr. R.K. Jhand, Addl. AG, Haryana.

Mr. Ram Lal Yadav, Advocate and
Mr. Vineet Sehgal, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The present petition has been filed under Section 482 of Cr.P.C. seeking quashing of order dated 21.12.2022 (Annexure P-19) whereby petitioner was declared as proclaimed person by the Court of JMIC, Gurugram in complaint case No. NACT/3903/2018 under Section 138 of Negotiable Instruments Act as well as seeking quashing of FIR No. 52 dated 07.01.2023 registered under Section 174-A of IPC, at Police Station Shivaji Nagar, District Gurugram and all the consequential proceeding arising therefrom.

On 27.03.2023, the following order was passed :-

'Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of order dated 21.12.2022 (Annexure P-19) whereby petitioner was declared as

proclaimed person by the court of JMIC, Gurugram in complaint case No. NACT/3903/2018 under Section 138 of Negotiable Instruments Act as well as seeking quashing of FIR No. 52 dated 07.01.2023 registered under Section 174-A of IPC, at Police Station Shivaji Nagar, District Gurugram.

Learned counsel for the petitioner contends that the order of issuance of proclamation was issued on 20.10.2022, wherein the accused was required to appear before the Court on 21.12.2022, however the notification of proclamation would reveal that the proclamation was issued on 28.10.2022 and a clear period of 30 days was not given from the date of affixation i.e. from 30.10.2022.

Notice of motion, returnable for 10.07.2023.

Mr. Karan Garg, AAG Haryana, who is present in the Court, accepts notice on behalf of respondent No. 1- State of Haryana and seeks time to file reply.

Same be filed on the adjourned date.

Meanwhile, proceedings before the trial Court shall remain stayed, till the next date of hearing.”

Thereafter, on 18.12.2023, the following order was passed :-

“On 27.03.2023, the following order was passed:-

‘Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of order dated 21.12.2022 (Annexure P-19) whereby petitioner was declared as proclaimed person by the court of JMIC, Gurugram in complaint case No. NACT/3903/2018 under Section 138 of Negotiable Instruments Act as well as seeking quashing of FIR No. 52 dated 07.01.2023 registered under Section 174-A of IPC, at Police Station Shivaji Nagar, District Gurugram.

Learned counsel for the petitioner contends that the order of issuance of proclamation was issued on 20.10.2022, wherein the accused was required to appear before the Court on 21.12.2022, however the notification of proclamation would reveal that the proclamation was issued on 28.10.2022 and a clear period of 30 days was not given from the date of affixation i.e. from 30.10.2022.

Notice of motion, returnable for 10.07.2023.

Mr. Karan Garg, AAG Haryana, who is present in the Court, accepts notice on behalf of respondent No. 1- State of Haryana and seeks time to file reply.

Same be filed on the adjourned date.

Meanwhile, proceedings before the trial Court shall remain stayed, till the next date of hearing.'

Adjourned to 23.02.2024.

The petitioner is directed to surrender before the trial Court within a period of 07 days from today, and subject to a deposit of Rs.50,000/- with the Punjab and Haryana High Court Bar Association, Chandigarh, Lawyers Family Welfare Fund, Account No.41564846387, State Bank of India, High Court Branch, IFSC : SBIN0050306, he shall be admitted to interim bail to the satisfaction of the Trial Court.

The petitioner is further directed to place on record the photocopy of receipt of payment as well as the order passed by the Court below granting interim bail to the petitioner.”

In deference to the aforementioned order the petitioner has deposited a sum of Rs.50,000/- with the Punjab and Haryana High Court Bar Association Lawyers Family Welfare Fund and has been admitted to interim

bail vide order dated 22.12.2023 passed by the Judicial Magistrate 1st Class, Gurugram.

In view of the fact that the petitioner has joined the proceedings and has been granted the concession of interim bail, the order dated 21.12.2022 passed by the Judicial Magistrate 1st Class, Gurugram as well as the FIR No.52 dated 07.01.2023 registered under Section 174-A of IPC at Police Station Shivaji Nagar, District Gurugram and all the consequential proceedings arising therefrom are hereby quashed.

However, the trial Court is directed to conclude the trial within a period of three months from the next date of hearing fixed before it.

May 06, 2024
satish

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO