

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21376 of 2024(O&M)
Date of Decision: 30.04.2024

Daler Singh ...Petitioner

Versus

Jatin & Anr. ...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Ashok Kumar Khunger, Advocate
For the petitioner.

Mr. J.S. Dhaliwal, AAG Punjab

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. seeking setting aside of order dated 23.12.2021 (Annexure P-1) passed by the Court of Judicial Magistrate Ist Class, Abohar vide which petitioner was declared as proclaimed person in criminal complaint No. NACT-592 of 2019 titled as Jatin Vs. Daler Singh, under Section 138 of Negotiable Instruments Act (for brevity, NI Act).
2. The counsel for the petitioner submits that petitioner was not aware about the pendency of the aforesaid criminal complaint and was wrongly declared as proclaimed person vide order (Annexure P-1) and resultantly FIR No.135 dated 10.06.2022 was registered against the petitioner under Section 174-A IPC. It is further submitted that the petitioner was arrested in FIR No.135 dated 10.06.2022 and was lateron granted regular bail vide order dated 30.05.2023 (Annexure P-2) by the learned trial Court. The counsel for the petitioner further submits that now the matter has been compromised between the parties vide compromise (Annexure P-4) dated 29.02.2024. It is further submitted that the offence under Section 138

NI Act being bailable, the petitioner is ready to join the proceedings before the trial Court in aforesaid criminal complaint lodged by respondent No.1 under Section 138 NI Act against the petitioner.

3. Notice of motion.

4. Mr. J.S. Dhaliwal, AAG accepts notice on behalf of respondent State and submits that present petition be disposed of in accordance with law.

5. The petitioner was declared as proclaimed person vide order Annexure P-1 in criminal complaint filed by respondent No.1 under Section 138 NI Act and thereafter FIR under Section 174-A IPC was also registered against the petitioner, wherein the petitioner was arrested and granted regular bail vide order (Annexure P-2) dated 30.05.2023. Offence punishable under Section 138 NI Act is a bailable offence and as has been stated by counsel for petitioner now the matter has been compromised between the parties vide compromise Annexure P-4 dated 29.02.2024. Further the petitioner has showed his intention and willingness to appear before the trial Court at the earliest for final disposal of the aforesaid criminal complaint on the basis of the compromise Annexure P-4.

6. In light of fact that matter has been compromised between the parties and the offence being bailable, without expressing any opinion on the merits of the case, the impugned order is hereby set aside with direction to the petitioner to appear before the trial Court at the earliest and to seek bail. The aforesaid order is subject to costs of Rs.2500/- to be deposited by the petitioner with the District Legal Services Authority concerned.

30.04.2024
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No