



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

240

**CRM-M-27115-2024 (O&M)
Date of Decision:- 23.08.2024**

PARVINDER KAUR

....Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Yashveer Kharb, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY, J. (ORAL)

1. At the very outset, learned counsel for the petitioner has confined his prayer only qua quashing of impugned order dated 07.07.2023 (Annexure P-3) and seeks permission to withdraw the petition qua quashing of FIR (Annexure P-4) with liberty to file the same afresh with better particulars.

2. In view of the statement, present petition qua challenge to the FIR (Annexure P-4) stands dismissed as withdrawn with aforesaid liberty.

3. By way of present petition preferred under Section 482 Cr.P.C., the petitioner has sought quashing of impugned order dated 07.07.2023 (Annexure P-3) passed by the Court of learned Judicial Magistrate First Class, Panipat, whereby the petitioner was declared as proclaimed person in case NACT/1073/2019 titled as 'R.K. Handloom v/s Trendy Creation and another'.



4. Learned counsel for the petitioner has submitted that in compliance to the order dated 27.05.2024 passed by this Court, the petitioner has appeared in the Court and furnished her requisite bail bonds on 01.06.2024. He has placed on record copy of the order dated 01.06.2024 passed by learned Judicial Magistrate First Class, Panipat, whereby the petitioner has been admitted on interim bail by the learned trial Court.

5. Learned State counsel has not disputed the aforesaid factum.

6. Heard.

7. During the course of proceedings on 27.05.2024, the following order was passed.

The instant petition under Section 482 Cr.P.C. has been filed for quashing of the order dated 07.07.2023 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Panipat, whereby the petitioner has been declared as proclaimed person in case bearing No.NACT-1073-2019 titled 'R.K. Handloom Versus Trendy Creation and another' and for quashing the the FIR No.776 dated 11.07.2023 registered under Section 174-A of IPC, P.S. Panipat City, District Panipat (Annexure P-4) registered on the basis of order dated 07.07.2023 (Annexure P-3).

2. It is, inter alia, contended by learned counsel for the petitioner that on the basis of complaint (Annexure P-1) titled 'R.K. Handloom Versus Trendy Creation and another' filed in the Court of learned Judicial Magistrate Ist Class, Panipat, bearing NACT No.5270-2019, the petitioner had been summoned to face trial under Section 138 of Negotiable Instruments Act. The petitioner never received any summon of process from the Court to appear in the case as she was resident of Surat, Gujrat. He contends that even the petitioner never received any proclamation as has been alleged in the impugned order but the learned trial Court, vide impugned order dated 07.07.2023 (Annexure P-3) proceeded to declare the petitioner as proclaimed person in the case without following the procedure laid down under Section 82 Cr.P.C. He submits that impugned order is accordingly liable to be set aside and in the meanwhile, the petitioner

is ready to appear in the trial Court and to face trial.

3. Notice of motion returnable for 23.08.2024.

4. On the asking of the Court, Ms. Gaganpreet Kaur, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

5. Dasti as well.

6. In the meanwhile, the petitioner is hereby directed to appear in the trial Court/Duty Magistrate within seven days from today and in the event of her arrest, she is ordered to be released on interim bail on her furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate.”

8. Keeping in view the fact that the petitioner has already appeared in the Court and furnished her requisite bail/surety bonds consequent to the order dated 27.05.2024 passed by this Court, the order dated 07.07.2023 (Annexure P-3) passed by the Court of learned Judicial Magistrate First Class, Panipat, is set aside and the interim bail granted vide order dated 27.05.2024 is hereby confirmed.

9. Accordingly, petition qua Annexure P-3 stands allowed and qua Annexure P-4 stands dismissed as withdrawn with liberty as stated in the first paragraph.

10. Disposed of in abovesaid terms.

11. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

23.08.2024
S.Sharma(syr)

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