



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

339

CRM-M-43888-2023 (O&M)

Date of Decision:- 05.09.2024

BHARAT CHUGH

...Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Shivani, Advocate for
Mr. Narinder Lucky Advocate for the petitioner.

Mr. Malkit Singh Dhillon, DAG Punjab.

None for respondent No.2.

SANJIV BERRY, J. (ORAL)

By way of present petition preferred under Section 482 Cr.P.C. the petitioner has sought quashing of impugned order dated 04.01.2023 (Annexure P-2) passed by the Court of learned Judicial Magistrate First Class, Jalandhar, whereby the petitioner was declared as proclaimed person in case complaint bearing NACT/2079/2021 titled as 'IDFC First Bank Limited Vs Bharat Chugh etc' dated 27.05.2021.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 02.09.2023 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds.

3. In compliance to the last order, report from learned Judicial



Magistrate First Class, Jalandhar has been received, which reveals that in compliance to the order dated 02.09.2023, the petitioner had appeared before the trial Court and furnished his personal bonds on 06.09.2023 and thereafter furnished surety/bail bonds on 21.08.2024 and he has been admitted on interim bail by the learned trial Court.

3. Learned State counsel has not disputed the aforesaid factum.
4. None has put in appearance on behalf of respondent No.2 despite service.
5. Heard.
6. During the course of proceedings on 02.09.2023, the following order was passed.

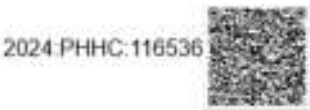
“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner has been summoned in the aforesaid complaint under Section 138 of Negotiable Instruments Act, copy of which is Annexure P-1. Learned counsel for the petitioner further submits that the petitioner never received any summon/process for his appearance in trial Court and has been wrongly declared as proclaimed person in the case without following the due procedure laid down under Section 82 Cr.P.C. She further submits that if granted concession of bail, the petitioner will regularly appear in the trial Court on each and every date.

3. Notice of motion.

4. On the asking of the Court, Ms. Swati Batra, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent No.1-State.

5. Notice to respondent No.2 be issued for 09.10.2023.

6. In the meanwhile, the petitioner is directed to appear before the trial Court/Duty Magistrate within seven days from today and in that event, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.



7. *Dasti as well.*”

7. 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 02.09.2023 passed by this Court, the order dated 04.01.2023 (Annexure P-2) passed by the Court of learned Judicial Magistrate First Class, Jalandhar, qua declaring the petitioner as proclaimed person is set aside and the interim bail granted vide order dated 02.09.2023 is hereby confirmed.

8. The petition stands disposed of.

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

(SANJIV BERRY)
JUDGE

05.09.2024
S.Sharma(syr)

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