



CRM-M-44123-2024

-1-

**121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-44123-2024

Date of Decision: 06.09.2024

Jaswinder Singh

..... Petitioner

Versus

Lakhvir Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Bhupinder Kumar Gupta, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for setting aside of the order dated 13.02.2023 passed by learned Judicial Magistrate Ist Class, Dasuya, in case titled as Lakhvir Singh vs. Jaswinder Singh, bearing case No.NACT/181/2022, dated 04.07.2022 under Section 138 of Negotiable Instruments Act, 1881, vide which the petitioner has been declared as proclaimed offender.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that vide order dated 04.07.2022, the trial Court summoned the petitioner in the proceedings, however, the petitioner was never served and thereafter, vide orders dated 22.08.2022 and 01.12.2022, bailable and non-bailable warrants were also issued against the petitioner and the same were also remained unserved. Thus, the petitioner was unaware about the pendency of the proceedings initiated against him and was declared proclaimed offender vide order dated 13.02.2023 in violation of Section 82 Cr.P.C. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the petitioner is ready to appear before the trial Court and join the proceedings and abide by all the terms and condition, if any imposed by the Court, while



CRM-M-44123-2024

-2-

allowing him to join the proceedings.

3. Heard.

4. After hearing learned counsel for the petitioner and perusing the record, it is evident that petitioner was declared as proclaimed person on 13.02.2023 due to his non-appearance before the trial Court. However, now the petitioner is keen to join the proceedings and abide by all the conditions imposed by the Court. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, the order dated 13.02.2023 is set aside subject to payment of Rs.10,000/- as costs to be paid to complainant by the petitioner within a period of seven days from today by depositing the same before the trial Court.

5. The petitioner is directed to appear before the trial Court within a period of seven days from today and file an appropriate application alongwith costs of Rs.10,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of seven days from today. The costs of Rs.10,000/- shall be paid to the complainant forthwith on his appearance before the trial Court.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order dated 13.02.2023 will come in force and the present petition shall be deemed to be dismissed. Petition stands disposed of in abovesaid terms.

06.09.2024

sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No