

CRM-M-46814-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-46814-2024
Decided on: 19.09.2024

Ranjit @ Ranjeet ...Petitioner

Versus

State of Union Territory, Chandigarh and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sudesh Sahi, Advocate
for the petitioner.

Mr. Manish Bansal, PP, UT Chandigarh with
Mr. Shubham Mangla, Advocate
For respondent-UT.

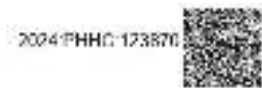
ANOOP CHITKARA, J.

Criminal Complaint	NACT/1601/2021 dated 02.02.2021 titled as Panipat Hire Purchase and Leasing Pvt. Ltd. vs. Ranjit , u/s 138 of Negotiable Instruments Act 1881
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AND

FIR No.	Dated	Police Station	Sections
137	07.08.2023	Sector-11, West Chandigarh	174-A IPC

1. Challenging the order of proclamation on being declared a proclaimed offender, the petitioner has come up before this court under section 482 of Code of Criminal Procedure, 1973 (CrPC).
2. Although the petitioner seeks quashing of FIR registered under Section 174 A IPC based on the proclamation orders under 82 CrPC, however on a query from this Court that whether the petitioner is appearing before the trial Court or not, he submits that the petitioner is not appearing and he was unaware about the service of notices. Counsel further submits that he confines his prayer and he be permitted to appear before the concerned Court on or before 30.09.2024 and till that time proclamation order may be stayed. He further submits that since the FIR under Section 174-A IPC has been registered, no coercive steps be taken against the petitioner till 30.09.2024.



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3. I have heard counsel for the petitioner and satisfied with the offer made by petitioner's counsel and its analysis would lead to the following outcome.

4. In a prosecution under Section 138 of the Negotiable Instruments Act, 1881, the accused could not be served through the ordinary process, including summons, bailable warrants, and even through non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide order dated 01.07.2023 (Annexure P-6), passed by JMJC, Chandigarh.

5. The nature of the order this Court proposes to pass that no response is required from the respondents.

6. Petitioner's counsel submits that non-appearance was not intentional and reason for that are mentioned in para 4 of the petition.

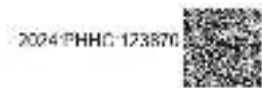
7. A perusal of the petition does not make out any case on merits. However, the criminal justice system must not hamper and suffer because of the petitioner. Thus, the court is restricting the present petition by requesting the concerned trial court to consider the petitioner's bail on priority on surrendering before the concerned court, and reserving liberty to raise the given-up relief in the subsequent petition(s), if the need so arises.

8. Given above, this court is confining the adjudication of this matter to the extent mentioned herein before, reserving the liberty to the petitioner as mentioned above.

9. The primary object of service is to secure the accused's presence in trial. The petitioner has approached this court on its own, which establishes the bonafide at this stage. Without commenting on the case's merits, and in the facts and circumstances peculiar to this case, and also for the reasons mentioned above, the ends of justice would meet. This, in the exercise of its inherent powers under section 482 CrPC/528 BNSS 2023, deems it appropriate to grant the limited relief to the petitioner.

10. The petitioner is directed to surrender before the concerned court **on or before 30.09.2024 by 4 PM and avail remedy in accordance with law.**

11. **There shall be a stay of the petitioner's arrest in the case mentioned above and also on the resultant FIR under section 174-A of IPC till the date of his surrender i.e**



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30.09.2024. It is clarified that if the petitioner fails to appear before the concerned court within time limit mentioned in this order, then this order shall stand recalled automatically without any furtherance reference to this court. It is clarified that this order be not construed as order of bail for petitioner.

12. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

13. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition partly allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

19.09.2024
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Whether speaking/reasoned: Yes
Whether reportable: NO.