



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

CRM-M-49542-2024

Date of decision: 04.10.2024

Manpasand Beverages Limited and Another

...Petitioners

Versus

M/s Gulati Transport Company and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. I.S. Khosa, Advocate for the petitioners.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioners under Section 482 Cr.P.C seeking quashing of order dated 05.09.2024 Annexure P-9 whereby the Court of Judicial Magistrate Ist Class, Ambala has declared the petitioners as proclaimed person in a criminal complaint titled M/s Gulati Transport Company Vs. M/s Manpasand Beverages CIS No-2428/2019 under Section 138 NI Act.

2. The counsel for the petitioners submits that from the perusal of the order Annexure P-9, it is evident that the proclamation against the present petitioners was published on 08.08.2024 with direction to the petitioners to appear before the trial Court on or before 05.09.2024. That thus, statutory period of 30 days as provided under Section 82 Cr.P.C. was not given to the petitioners, from the date on which the proclamation was published, for their appearance before the learned trial Court. That thus, the impugned order is not sustainable in the eyes of law.

3. The counsel for the petitioners further submits that otherwise also the petitioners are ready to deposit the demand draft equivalent to cheque amount along with reasonable interest, with the learned trial Court in order to settle the dispute in amicable manner.

4. I have considered the submissions made by counsel for the



petitioners.

5. From the perusal of Annexure P-9, it is apparent that period of 30 days as prescribed under Section 82 Cr.P.C was not afforded to the petitioners for their appearance, with effect from the date of publication of the proclamation which was effected on 08.08.2024 while the impugned order whereby the petitioners were declared as proclaimed person was passed on 05.09.2024.

6. For the foregoing reasons, the impugned order Annexure P-9 dated 05.09.2024 being not passed by the trial Court in consonance with the mandatory provisions of Section 82 Cr.P.C, is hereby set aside with direction to the petitioners to appear before the learned trial Court within next 30 days and on their doing so, the petitioners are to be released on regular bail by the trial Court to its satisfaction. This Court hope and trust that the petitioners will also comply with the undertaking given by their counsel regarding deposit of demand draft worth cheque amount in question along with interest at a reasonable rate in the trial Court at the time of their appearance before the said Court.

7. Keeping in view the nature of order being passed, no notice is required to be issued to the respondents. However, if they feel dis-satisfied with this order, they may move an application to recall the same.

8. However, it is made clear that any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

04.10.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**