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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M No. 58501 of 2023
Date of Decision: 01.08.2024

Indira Devi

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY**Present:** Ms. Pinki Mehla, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

1. Learned State counsel has placed on record the order dated 29.11.2023 passed by learned Judicial Magistrate Ist Class, Kaithal to the effect that the petitioner has appeared in the trial Court in compliance to the order dated 28.11.2023 passed by this Court and furnished the requisite bail bonds and has been granted interim bail.

2. He has also placed on record another copy of order passed by learned Judicial Magistrate Ist Class, Kaithal dated 09.12.2023 to submit that complaint titled as 'SBI Vs. Indira' CIS No. 1699 of 2018, has already been withdrawn as the matter has been settled in the National Lok Adalat.

3. The petitioner had sought the quashing of order dated 26.10.2023 (Annexure P-4) whereby the petitioner had been declared as proclaimed person in the aforesaid case by learned Judicial Magistrate Ist Class, Kaithal. During the course of proceedings, following order was passed on 28.11.2023.



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Heard.

For the reasons mentioned in the application, the same is allowed. Copy of order dated 26.10.2023 is taken on record as Annexure P-4, subject to just exceptions. Registry is directed to tag the same at appropriate place.

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The instant petition has been preferred seeking quashing of the impugned order dated 26.10.2023 (Annexure P-4) passed by learned Judicial Magistrate First Class, Kaithal (although in the petition it has been mentioned as dated 12.09.2023, Annexure P-1, due to inadvertence as submitted by learned counsel for the petitioner).

2. It is, *inter alia*, submitted by learned counsel for the petitioner that the complaint dated 17.01.2018 had been filed by respondent No.2 against the petitioner titled as ‘SBI Vs. Indira’ CIS No.1699 of 2018, in the Court of learned Judicial Magistrate First Class, Kaithal, wherein the petitioner had been summoned. She submits that the petitioner never received any summons or warrants in the case and has been declared proclaimed person vide the impugned order dated 26.10.2023 (Annexure P-4) by learned trial Court without following the procedure laid down under Section 82 CrPC. She submits that the instant complaint pertains to the cheque amounting to Rs.43,700/- and out of the same, the petitioner has already returned Rs.20,000/- to respondent No.2-Bank and she is ready to repay the balance amount within a period of two weeks of her appearance before the trial Court and as such prays for concession to appear in the trial Court.

3. Notice of motion.

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

5. Notice to respondent No.2 for 10.01.2024.

6. *Dasti* as well.

7. In the meanwhile, petitioner is directed to appear before the Trial Court/Duty Magistrate concerned, within a period of 07 days from today. In that event, she is ordered to be admitted on interim bail on her furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. The petitioner will also furnish a specific undertaking that in future she will appear on each and every date of hearing without fail and only in case of extreme exigency will she seek prior exemption from the Court in accordance with law. She shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

4. As is evident from the submissions made by learned State counsel that the petitioner had already furnished the requisite bail bonds and

has been granted interim bail in compliance to the order dated 28.11.2023



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and subsequently the complaint titled as ‘SBI Vs. Indira’ CIS No. 1699 of 2018 has also been dismissed as withdrawn in the National Lok Adalat on 09.12.2023 having been compromised.

5. In view of this fact, the present petition is disposed of setting aside the order dated 26.10.2023 (Annexure P-4) and all consequential proceedings arising therefrom, if any.

01.08.2024
Rajeev (rvs)

(SANJIV BERRY)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No