

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

CRM-M-60997-2023

Date of decision: 07.02.2024

Paramjit Singh

....Petitioner.

Versus

Kotak Mahinder Bank

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Durga Dutt Sharma, Advcoate,
for the petitioner.

.....

SANJIV BERRY, J. (ORAL)

1. By way of present petition filed under Section 482 Cr.PC for quashing of the order dated 14.08.2023, passed by learned Judicial Magistrate Ist Class, Chandigarh, in case, i.e. *CNR-CHCH030030712019* titled '*Kotak Mahindra Bank vs. Paramjit Singh*', (Annexure P-3).

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner had been summoned in the aforesaid complaint case filed under Section 138 of the Negotiable Instruments Act, wherein he was granted concession of bail and had been regularly appearing and when the case was fixed for his statement under Section 313 Cr.PC, the petitioner could not appear in the Court due to certain health issues, leading to cancellation of his bail and issuance of non-

bailable warrants of arrest. He further contends that subsequently the petitioner was declared as proclaimed person in the case vide the impugned order dated 14.08.2023 (*supra*), without following the procedure laid down under Section 82 Cr.PC.

3. Learned counsel for the petitioner further contends that the petitioner never received any notice or warrants in the case nor he was aware of the proclamation and the absence of the petitioner was not intentional but due to health conditions and he is ready to face the trial. Hence, the present petition.

4. Considering the aforesaid submissions and perusing the record, at this stage, issuance of notice to respondent is not required for the purpose of disposal of the present petition.

5. In view of the above facts and circumstances, the petitioner is directed to join proceedings in the Trial Court within a period of 10 days from today and in that event, he is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court. This will, however, be subject to deposit of cost of Rs. 10,000/-, to be deposited with the *Poor Patients Welfare Fund of the PGIMER, Chandigarh*, which shall be the condition precedent for the release of the petitioner on bail.

6. Further the petitioner will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. With these observations, impugned order dated 14.08.2023 passed by learned Judicial Magistrate Ist Class, Chandigarh, (Annexure P-3) vide which the petitioner had been declared proclaimed person is set aside and the instant petition stands allowed.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

07.02.2024
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(SANJIV BERRY)
JUDGE

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