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

CRM-M-58810-2024**Date of decision : 26.11.2024****Taqdir Singh****.....Petitioner****Versus****Ranbir Singh****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Sanjiv Gupta, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of Complaint No.COMA-767-2019 dated 26.11.2019 under Section 138 of NI Act, Summons dated 21.02.2023 (Annexure P-3), order dated 07.03.2024 (Annexure P-4) and order dated 23.10.2024 (Annexure P-5) alongwith all consequential proceedings based thereon and for staying the further proceedings before the learned trial Court.

2. Learned counsel for the petitioner has submitted that he does not press his petition qua quashing of Complaint under Section 138 of NI Act and Summons Dated 21.02.2023 (Annexure P-3) and the same may kindly be dismissed as withdrawn. He further submits that the only surviving grievance of the petitioner is against order dated 07.03.2024 (Annexure P-4) and order dated 23.10.2024 (Annexure P-5), vide which the petitioner was declared as proclaimed person and sale proceedings of the attached property of the petitioner have been initiated. It has further been submitted by learned counsel for the petitioner that the petitioner has



been falsely and frivolously prosecuted in the impugned complaint under Section 138 of the Negotiable Instruments Act by the respondent. He submits that the petitioner was declared as a proclaimed person vide impugned order dated 07.03.2024 (Annexure P-4). He submits that neither the vehicle is in the possession of the petitioner nor he has ever purchased the vehicle. He submits that in the complaint, the petitioner was declared as proclaimed person in violation of provisions of Sections 82/83 Cr.P.C. He submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail.

3. I have heard counsel appearing for the petitioner and perused the record.

4. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 07.03.2024 and he was declared as proclaimed person. Now, the petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of orders dated 07.03.2024 and 23.10.2024 (Annexures P-4 & P-5) are *set aside* subject to payment of Rs.10,000/- as costs to be paid to the complainant, by the petitioner within 10 days from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith costs of Rs.10,000/-, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.

7. In case the cost deposited as stated above, notice will be issued to the complainant and on his appearance, amount of Rs.10,000/- awarded as costs shall be paid to him forthwith.



7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and orders under challenge dated 07.03.2024 and 23.10.2024 (Annexures P-4 & P-5) would come in force and the present petition shall be deemed to have been dismissed.

26.11.2024
ps-I

(RAJESH BHARDWAJ)
JUDGE

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