

CRM-M-6720-2025

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

CRM-M-6720-2025

Date of Decision: 05.02.2025

Sucharu Bedi

..... Petitioner

Versus

Jatinderpal Singh and another

.....Respondents

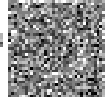
CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jaitishwar S. Bhardwaj, Advocate for
Mr. Goldy Jakhar, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 27.11.2024 (Annexure P-5) passed by learned JMIC, Chandigarh in complaint bearing No.NACT/2969/2023 dated 06.05.2023 titled as Jatinderpal Singh vs. Sucharu Bedi, under Section 138 of the Negotiable Instruments Act, 1881, at Police Station Sarangpur, Chandigarh, whereby, the petitioner has been declared as proclaimed person.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that summons were issued to the petitioner at his second address and the same could not be received by him as that address belongs to his in-laws. He submits that due to death of father-in-law of the petitioner, nobody was residing at that address. He further submits that due to ill health of the parents of the petitioner, he had shifted to District Fazilka in the year 2022. He further submits that thereafter, on 24.01.2024 learned trial Court issued summons to the petitioner at his house situated in Kharar, but this house he had already sold out in the year 2023. He submits that thereafter, to secure



the presence of the petitioner, learned trial Court issued bailable warrants, non-bailable warrants and proclamation proceedings were initiated against him and finally, vide order dated 27.11.2024, the petitioner was declared as proclaimed person in violation of the mandatory provisions of law under Section 82 Cr.P.C. He submits that now petitioner is keen to join the proceedings and face the trial in the above said case and as such the order 27.11.2024 be set aside and he be allowed to be released during the pendency of the trial of the above said case.

3. Notice of motion to the official respondent only.

4. Mr. Sumit Jain, Addl. AG, Haryana accepts notice on behalf of UT, Chandigarh and has submitted that the petitioner has rightly been declared as proclaimed person by the trial Court as he remained absent from Court for a long time.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to non-appearance of the petitioner, he was declared as proclaimed person on 27.11.2024. Now the petitioner is keen to join the proceedings and face the trial. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, no useful purpose would be served by sending him behind the bars, therefore, the order dated 27.11.2024 is set aside subject to payment of Rs.11,000/- as costs to be paid to Punjab and Haryana High Court Employees Welfare Association, Chandigarh by the petitioner within a period of seven days from today.

6. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application

alongwith receipt of costs of Rs.11,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing bail/surety bonds subject to its satisfaction. The petitioner will have protection from arrest for a period of ten days from today. The trial Court is free to impose any condition it likes on the petitioner while admitting him to bail.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 27.11.2024 will come in force and the present petition shall be deemed to have been dismissed.
8. Petition stands disposed of in abovesaid terms.

05.02.2025

sharmila

Whether Speaking/Reasoned

Whether Reportable

(RAJESH BHARDWAJ)

JUDGE

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Yes/No

Yes/No