



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

CRM-M-10170-2025
Date of decision: 21.02.2025

Angrej Singh

...Petitioner

Versus

Naib Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Jaskirat Singh Dhaliwal, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 528 of BNSS 2023 seeking quashing of order dated 20.10.2022 Annexure P-3 passed by the Court of Sub Divisional Judicial Magistrate, Malout, District Sri Muktsar Sahib whereby the petitioner is declared as proclaimed person in criminal complaint having NACT-611/2019 titled as Naib Singh Vs. Angrej Singh under Section 138 NI Act.

2. The counsel appearing on behalf of the petitioner *inter alia* submits that the petitioner was not in knowledge about the pendency of any such criminal complaint lodged under Section 138 NI Act against him by Naib Singh. The petitioner never received any notice/summons or warrants with regard to pendency of the criminal complaint. It is further submitted that proper procedure was not followed by the learned trial Court, as per the mandate of Section 82 Cr.P.C. Counsel for the petitioner further submits that the offence under Section 138 NI Act is a bailable and further the petitioner is ready and willing to deposit the entire cheque amount of Rs.25,000/- in the trial Court at the earliest.

3. I have considered the submissions made by counsel for the petitioner.

4. From the perusal of the zimni order Annexure P-2 (colly),



passed by the learned trial Court before passing of impugned order Annexure P-3, it is evident that the learned trial Court had not recorded it's satisfaction to the effect that the petitioner has absconded or concealing himself, so that warrants of arrest cannot be executed against him. Further, from the perusal of the impugned order Annexure P-3, it is also apparent that the proclamation was not publicly read in some conspicuous place of the town/village in which the petitioner was ordinarily residing. Undoubtedly, offence punishable under Section 138 NI Act is a bailable offence and further the petitioner is ready and willing to appear and deposit the cheque amount of Rs.25,000/- in the trial Court.

5. In light of the above discussion, the impugned order Annexure P-3 being not passed in accordance with law is hereby set aside, subject to the condition that the petitioner should deposit cheque amount worth Rs.25,000/- in the trial Court within a period of next three weeks from today, failing which, the present petition shall be deemed to have been dismissed.

21.02.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

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

**Yes/No
Yes/No**