



CRM-M-22337-2025

-1-

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

CRM-M-22337-2025

Date of Decision: 29.04.2025

Amarjit Singh

..... Petitioner

Versus

The Kapurthala Central Co-operative Bank Ltd.Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vikasdeep Singh, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 05.09.2022 (Annexure P-1) passed by learned Judicial Magistrate First Class, Sultanpur Lodhi, District Kapurthala in complaint bearing No.NACT/422/2019 dated 16.12.2019 titled as The Kapurthala Central Coop Bank vs. Amarjit Singh, under Section 138 of the Negotiable Instruments Act, 1881, vide which 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 the petitioner was unaware about the impugned order passed by the trial Court as due to outbreak of Covid-19, no notice/warrants were served upon him. He further submits that the petitioner was declared as proclaimed offender in the present case 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 05.09.2022 be set aside.

3. After hearing learned counsel for the petitioner and perusing the record, it is evident that due to non-appearance of the petitioner, he was



declared as proclaimed person on 05.09.2022. The Court without going into the authenticity of the ground taken for the absence of the petitioner, deems it appropriate to direct him to appear before the Court concerned to face the trial in the present case, as now he 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 05.09.2022 is set aside subject to payment of Rs.25,000/- as costs to be paid by the petitioner to the **Punjab and Haryana High Court Employees Welfare Association** within a period of seven days from today

4. 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.25,000/- 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.

5. 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 05.09.2022 will come in force and the present petition shall be deemed to have been dismissed.

6. Petition stands disposed of in abovesaid terms.

29.04.2025
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No