



CRM-M-38305-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH266

CRM-M-38305-2024

Date of decision : 01.04.2025

Surinder Pal

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. S. G. Kapila, Advocate, for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (Oral)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 23.01.2024 (Annexure P-4) vide which the petitioner has been declared proclaimed person in case CIS No. NACT/344/2022 filed under Section 138 of Negotiable Instruments Act titled as Sarabjit Singh vs. Surinderpal (Annexure P-1) alongwith all subsequent proceedings arising therefrom.

2. On 08.08.2024, the following order was passed by the Co-ordinate Bench of this Court:

“The present petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 23.01.2024 (Annexure P-4) vide which the petitioner has been declared proclaimed offender in case CIS No. NACT/344/2022 filed under Section 138 of Negotiable Instruments Act titled as Sarabjit Singh vs. Surinderpal (Annexure P-1) alongwith all subsequent proceedings arising therefrom.

Brief facts of the present case are that the petitioner and his wife are serving in Punjab Police and both are living in official accommodation at Jalandhar where they are posted. Since



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the petitioner was living with his family in Jalandhar in official quarters, therefore, he never received summons as his address was given of Hoshiarpur, where he has his ancestral/permanent home. As the petitioner did not receive any summons, he never came to know of the pendency of any case against him. The petitioner failed to appear before the learned trial Court due to the above reason and because of his non-appearance nonailable warrants were issued against him were received back unexecuted and vide order dated 30-11- 2023 the Court ordered for issuance of proclamation for 03-01-2024. subsequently vide order dated 23-1-2024 the petitioner was declared proclaimed person and his salary was also ordered to be attached. The petitioner came to know of the impugned order only when his salary was attached and then he enquired and found that he has been declared proclaimed person and he immediately approached respondent No.2, as he is in government job and he immediately returned the cheque amount to the respondent No.2.

At the very outset, learned counsel for the petitioner submits that the matter has been compromised with respondent No. 2.

Notice of motion.

At asking of the Court, Mr. R.S. Thind, DAG, Punjab accepts notice on behalf of respondent-State and seeks time to file reply.

Mr. Raman Kumar, Advocate puts in appearance on behalf of the complainant and filed his Memorandum of Appearance. He has admitted the factum of compromise and supports the prayer made in the petition.

Adjourned to 12.09.2024.

In the meantime, the petitioner is directed to appear before the trial Court on or before the date fixed i.e. 28.08.2024 and file appropriate application. The trial Court would release the petitioner on bail on his furnishing fresh bail bonds to its satisfaction. No coercive action would be taken against the petitioner till 28.08.2024.”



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3. Learned counsel for the petitioner submits that in compliance of the order passed by this Court as extracted above, the petitioner has appeared before the trial Court and thereafter, he has been released on bail after furnishing bail bonds to the satisfaction of the trial Court.
4. Learned State counsel submits that the present petition has been rendered infructuous as respondent No.2 has withdrawn the complaint supra itself.
5. In view of the above, the present petition is disposed of as having been rendered infructuous.

(HARPREET SINGH BRAR)
JUDGE

01.04.2025
anil

Whether speaking / reasoned Yes/No
Whether Reportable Yes/No