

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28441 of 2014 (O&M)
Date of Decision: 20.04.2015

Pardip Kumar

...Petitioner

Versus

Jaswant Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. Parveen Chauhan, Advocate
for the petitioner.

Mr. Umesh Kumar, Advocate for
Mr. R.S. Chauhan, Advocate
for the respondent.

R.P. Nagrath, J. (Oral)

Petitioner has challenged the order dated 27.9.2008 (Annexure A-3) passed by the trial Court vide which he was declared proclaimed offender in complaint case No.661/2 dated 04.10.2004 under Section 138 of Negotiable Instruments Act.

Reply has still not been filed by the respondent.

I have heard learned counsel for the parties and perused the paper book.

The contention of learned counsel for the petitioner is that petitioner was in judicial custody in Tihar Jail and, therefore, his service was not properly effected in the complaint case. Learned

counsel further stated that petitioner is appearing before the trial Court in terms of the direction issued by this Court on 21.8.2014.

In view of the aforesaid discussion, the instant petition is allowed setting aside the order dated 27.9.2008 (Annexure A-3) vide which petitioner was declared proclaimed offender. It is also directed that the petitioner would keep on appearing on each date of hearing before the trial Court and for failure of petitioner to be present on any date without permission, the trial Court would be at liberty to cancel his bail.

(R.P. Nagrath)
Judge

20.04.2015
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