

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

CRM-M-36763-2013

Date of Decision: August 18, 2015.

ASHOK KUMAR

.....PETITIONER

VERSUS

ALLAHABAD BANK

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.Vivek Salathia, Advocate
for the petitioner

Mr.Hitsh Kaplish, Advocate
for respondent

M.M.S.BEDI, J.(Oral)

The petitioner has been declared as proclaimed offender vide impugned order Anneuxre P-3 in a private complaint.

Learned counsel for the petitioner submits that the petitioner had never been served with any notice or summons and that the matter has been amicably settled with Allahabad Bank by all the accused persons including the petitioner by repaying the amount of the loan.

I have considered the facts and circumstances of the case and I am of the opinion that if the accused in a private complaint have settled the matter with the complainant, the continuation of his status as proclaimed offender will be an abuse of process of law.

This petition is allowed. The order dated 17.11.2011 is hereby set aside. However, a direction is issued to the petitioner that he will put in appearance before the trial Court at Amritsar within a period of 15 days. In case of petitioner doing so, he will be released on bail to the satisfaction of said Court.

It is further directed that the said Court will take up the proceedings in case these have been consigned to record room after proceedings under Section 299 CrPC. It will be open to the trial Court to permit the compounding qua the petitioner also as the complaint qua Darshana Rani and Surinder Kumar co-accused of the petitioner has already been withdrawn.

**(M.M.S.BEDI)
JUDGE**

August 18, 2015.
TSG