

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

CRM M No.36643 of 2014 (O&M)

Date of decision : 12.02.2015

Prethmesh Brar

.....Petitioner

Vs.

Hari Chand

.....Respondent

Coram : Hon'ble Mrs.Justice Lisa Gill

Present :- Mr.Adarsh Jain, Advocate for the petitioner.

Mr.Surinder Dagar, Advocate for the respondent.

Lisa Gill, J., (Oral)

Prayer in the instant petition is for setting aside the order dated 26.09.2014 (Annexure P-2), whereby the petitioner has been declared an absconder in complaint case No.2118/13 dated 07.11.2013 (Annexure P-1) filed under Section 138, 142 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioner submits that petitioner had not been served at any stage. Therefore, while referring to various orders as reproduced in para-5 of the petition, order dated 26.09.2014 (Annexure P-2) declaring him to a proclaimed offender is not sustainable. He has always been ready and willing to face proceedings. Pursuant to directions dated 29.10.2014 by this court, petitioner appeared before the trial Court on 12.11.2014 and has been appearing regularly thereafter before the learned trial Court. He further undertakes to appear before the trial Court on each and every date fixed.

Learned counsel for the respondents confirms that the petitioner has put in appearance before the trial Court on 12.11.2014.

In view of the above specially the fact that the petitioner has put in appearance before the trial Court and is now facing trial, interim bail granted to the petitioner shall be made absolute subject to his furnishing fresh bail bond and surety bond to the satisfaction of the learned trial Court.

Disposed of accordingly.

12.02.2015

anil

**(LISA GILL)
JUDGE**