

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5743 of 2014 (O&M)
Date of Decision: 07.4.2015

Rajesh Gupta

--Petitioner

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

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

Mr. Nikhil K. Chopra, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

Report with regard to service by way of publication in the local newspaper has been placed on record. However, no representation has been caused on behalf of the complainant/respondent no.2.

Instant petition has been filed under Section 438 Cr.P.C praying for issuance of directions regarding protection from arrest pertaining to proceedings under Section 138 of the Negotiable Instruments Act.

On 18.2.2014, while issuing notice of motion the following order was passed by this Court:-

“Heard.

Learned counsel for the petitioner has submitted that in the complaint under Section 138 Negotiable Instruments Act, the petitioner was summoned vide order dated 1.8.2012. He was never served and has been declared as Proclaimed Offender. The order dated 7.10.2013 (Annexure P/2) show that at the time of service of petitioner through proclamation his whereabouts and address was not available.

Notice of motion for 26.5.2014.

In the meanwhile, the petitioner is directed to

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surrender before the trial court within two weeks from today and the trial court will release him on interim bail on his furnishing requisite bail bonds till the next date of hearing.”

Counsel has produced before this Court copy of the order dated 11.3.2014 of the learned J.M.I.C., Ludhiana, whereby in pursuance to the notice of motion order, passed by this Court the petitioner had duly appeared before the Trial Court and has been released on interim bail subject to furnishing requisite surety bonds.

In the light of such circumstances, the present petition is allowed and the order dated 18.2.2014, passed by this Court, is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

April 07, 2015
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