

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

CRL. MISC. No.M-28461 OF 2016
DATE OF DECISION : 19th AUGUST, 2016

Manu

.... Petitioner

Versus

State of Punjab & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Ravi Malhotra, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

The petition is taken up for final disposal. There is no need to issue notice to the other side since short controversy is involved in this case. Following is the prayer in this petition:

“It is, therefore respectfully prayed that present petition may kindly be allowed and Ann. P/2 Complaint, Ann.P/3 summoning order, Ann.P/7 order and Ann. P/8 Proclamation may kindly be quashed in the interest of justice.”

Learned counsel for the petitioner submits that the petitioner does not press the prayer to challenge the complaint and summoning order but would restrict his challenge only to Annexure P-7 vide which the petitioner was declared as proclaimed offender.

Statement of learned counsel for the petitioner is accepted.

Learned counsel for the petitioner submits that the petitioner resides in Australia and was declared proclaimed offender while he has been in Australia. He further submits that the petitioner is ready to

appear before the trial Judge in the case registered under Section 138 of the Negotiable Instruments Act (in short, NI Act) and would furnish bail bonds to the satisfaction of the trial Judge and would continue to appear till culmination of the trial before the trial Judge.

On this undertaking the petitioner wants that the proclaimed offender order should be quashed and set aside. In my opinion, looking to the nature of the case, namely dishonor of cheque of ₹6,50,000/- in a private case under Section 138 of NI Act, the petitioner was declared proclaimed offender. The reason for non-appearance before the trial court is that she has been residing in Australia. Learned counsel for the petitioner submits that now she would join the trial and till completion of the trial would be in India.

In that view of the matter, I think the petitioner should be given a chance to appear before the trial Judge for furnishing bail bond and for joining the trial till its completion and shall appear with promptitude before the trial Judge.

With the reasons, therefore, order Annexure P-7 dated 03.06.2016 declaring the petitioner as proclaimed offender is quashed and set aside. The petitioner shall appear before the trial Judge and furnish bail bonds and shall continue to appear with promptitude. The trial Judge shall expedite the trial and make endeavor to complete the same within six months.

19th AUGUST, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE