

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

(125)

CRM-M-30057-2016

Decided on: August 29, 2016.

Vinod Bhalla

.... Petitioner

Versus

State of Punjab and another

..... Respondents

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

Present: Mr. Ashish Aggarwal, Advocate, for the petitioner.

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

The petitioner has been declared as a proclaimed offender in proceedings under Section 138 of the Negotiable Instruments Act. He seeks quashing of order Annexure P-2. The claim of the petitioner is that he was never served for 28.01.2016 when summons were issued to him.

Without expression of any opinion regarding the reasons for non-appearance before the trial Court, striking a balance between the personal liberty of the petitioner and the right of the complainant to secure the presence of the petitioner on the next date of hearing, I deem it appropriate to dispose of this petition in limine. It is ordered that the petitioner will put in appearance before the trial Court within a period of one month along with a bank draft of Rs.25,000/- in the name of the complainant. In case of petitioner doing so, he will be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court. The trial Court will revive the complaint and issue notice to the complainant to appear for a particular date on which date bank draft of Rs.25,000/- will

be handed over to the complainant by the Court concerned. The said amount will be considered to be cost of adjournment as per provisions of Explanation 2 of Section 309 Cr.P.C for unnecessary delay which is attributable to the petitioner. It is made clear that in case, the petitioner does not comply with the directions, this petition will be deemed to have been dismissed after the expiry of one month from today.

(M.M.S. BEDI)
JUDGE

August 29, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No