

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

**CRL. MISC. No.M-31749 OF 2016 (O&M)
DATE OF DECISION : 19th SEPTEMBER, 2016**

Sabhi Dhariwal

.... Petitioner

Versus

State of Punjab & another

.... Respondents

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

* * * *

Present : Mr. Lakhwinder Singh Mann, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

Notice of motion.

Ms. Rajni Gupta, Addl. A.G. Punjab accepts notice on behalf of the State.

Rule heard forthwith.

There is no need to issue notice to respondent No.2 in view of the controversy involved.

The petitioner is an accused in a case under Section 138 of the Negotiable Instruments Act. He was declared proclaimed offender vide impugned order 30.11.2015.

Learned counsel for the petitioner on the behalf of his client makes statement that the petitioner would hereinafter appear before the trial Judge and would continue to appear thereafter with promptitude till the trial is completed and would also furnish bail bonds to the satisfaction of the trial Judge, if the impugned order dated 30.11.2015 declaring the petitioner proclaimed order is set aside.

In my opinion, in a case under Section 138 of Negotiable Instruments Act involving cheque amount of ₹2,60,000/-, since the petitioner has made offer to appear before trial Judge and undertaken to appear with promptitude till the trial is completed, the impugned order should be set aside.

In view of the above, I make the following order:

ORDER

- (i) Rule is made absolute.
- (ii) Impugned order dated 30.11.2015 is set aside.
- (iii) The petitioner would surrender before the court and shall seek bail and continue to appear with promptitude.

19th SEPTEMBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No.