

CRM-M-9611-2016 (O&M)

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

**CRM-M-9611-2016 (O&M).
Decided on: March 17, 2016.**

Lakhwinder Singh

..... Petitioner(s)

Versus

Vikramjit Singh

..... Respondent(s)

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

**PRESENT Mr.B.S.Bhalla, Advocate,
for the petitioner.**

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

Counsel for the petitioner submits that the petitioner was declared a proclaimed offender on 10.2.2016.

I have taken into consideration the circumstances of the case. The petitioner after having been summoned in proceedings under Section 138 of the Negotiable Instruments Act, instead of appearing before the trial Court had opted to seek the remedy of getting pre-arrest bail which application was dismissed on 5.3.2016. The petitioner appears to have been declared a proclaimed offender while the petitioner was taking steps to protect his liberty by availing the remedy under Section 438 Cr.P.C.

Counsel for the petitioner has placed reliance on the record of Ivy Hospital with an objective to satisfy this Court that there has been a reasonable cause for non-appearance before the trial

Court.

Without expression of any opinion regarding the reasonableness of cause of non-appearance before the trial Court, I deem it appropriate to dispose of this petition in limine in order to avoid unnecessary harassment to the complainant-respondent who seems to have filed a complaint in January 2015 and has not been able to secure the presence of the petitioner despite summoning orders having been passed against him.

The petition is allowed. It is ordered that the petitioner will put in appearance before the trial Court on 23.4.2016 along with a bank draft of Rs.20,000/- in the name of complainant. In case of petitioner doing so, the trial Court shall take up the file of complaint case under Section 138 of the Negotiable Instruments Act, issue notice to the respondent for a date convenient to the Court and grant concession of bail to the petitioner. Respondent-complainant will be entitled to receive amount of Rs.20,000/- in the shape of bank draft on appearance before the Court for further proceedings in complaint under Section 138 of the Negotiable Instruments Act. The said amount will be deemed to be cost of adjournments and compensation for unnecessary harassment caused by the evasive approach of the petitioner. It is made clear that in case the petitioner fails to comply with the above said direction, this petition will be deemed to have been dismissed.

Since this order has been passed in limine to avoid

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unnecessary litigation expenses and harassment to the complainant,
it will be open to the complainant to approach this Court for review of
the order in case the order is not acceptable to the complainant.

March 17, 2016.
rka

(M.M.S. BEDI)
JUDGE