

117.

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

CRM-M-2481-2017

Date of decision:03.10.2017.

BIKRAM SINGH@ BIKRAMJIT SINGH

... Petitioner

versus

RAJ KUMAR GARG

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Anupam Singla, Advocate, for the petitioner.

HARI PAL VERMA, J.(Oral)

Petitioner-Bikram Singh @ Bikramjit Singh has assailed the order dated 06.06.2016 passed by learned Judicial Magistrate Ist Class, Nabha whereby in a complaint filed by the respondent-complainant under Section 138 of Negotiable Instruments Act and under Section 420 IPC, the petitioner was declared as a proclaimed person. The said order dated 06.06.2016 was made the subject matter of challenge by the petitioner before the court of Sessions in a revision petition. However, vide order dated 06.12.2016 passed by learned Additional Sessions Judge, Patiala revision petition was dismissed. Learned Additional Sessions Judge, while dismissing the revision petition, has observed that the presence of the petitioner could not be procured despite issuance of summons which were served upon him through his mother on 05.05.2015 and 27.07.2015. The non-bailable warrants of arrest issued to the petitioner were received back with the

report that he has gone abroad.

Learned counsel for the petitioner states that the orders dated 05.05.2015 and 27.07.2015 passed by learned Magistrate nowhere suggest that the petitioner was even served in the case. He further states that it being the proceedings under Section 138 of the Negotiable Instruments Act and the petitioner, who was otherwise living abroad, is now in India, is ready to face trial in accordance with law, provided he is extended protection. He further states that after filing the complaint till the proceedings under Section 174 I.P.C. were initiated, the petitioner remained in abroad, though for some period, he was in India i.e. between 23.09.2015 to 25.11.2015.

Notice of motion was issued, but despite service, no one has put in appearance on behalf of the respondent. Thus contentions of the petitioner remained unrebutted.

I have heard learned counsel for the petitioner.

Since the aforesaid facts have not been controverted and the petitioner has shown his inclination to surrender before the trial Court and to face trial in the proceedings under Section 138 of Negotiable Instruments Act, 1881, the impugned orders dated 06.06.2016 (Annexure P-1) and 06.12.2016 (Annexure P-3) are quashed, subject to the condition that the petitioner surrenders before the trial Court within a week from today and on doing so, the trial Court shall admit him on bail subject to his furnishing adequate bail bonds/surety bonds to its satisfaction.

Accordingly, present petition is disposed of.

In case, the petitioner fails to surrender before the trial Court within a week from today, present petition shall be deemed to have been dismissed.

(HARI PAL VERMA)
JUDGE

03.10.2017

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Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.