

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

**CRL. MISC. No.M-47369 OF 2017 (O&M)**  
**DATE OF DECISION : 13<sup>th</sup> DECEMBER, 2017**

**Gurpreet Singh**

**.... Petitioner**

**Versus**

**State of Punjab & another**

**.... Respondents**

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

\* \* \* \*

Present : Mrs. Gursharan K. Mann, Advocate for the petitioner.

\* \* \* \*

**A. B. CHAUDHARI, J. (ORAL)**

Notice of motion to State of Punjab only.

Mr. Dhruv Dayal, Sr. D.A.G. Punjab, accepts notice on behalf of the State.

In view of short controversy involved notice to respondent No.2 is not required to be issued.

Rule.

Heard forthwith with consent of counsel for the rival parties.

There is challenge to order dated 16.02.2017 passed by the learned JMIC, Amritsar (Annexure P-4) by which the petitioner was declared proclaimed offender in complaint No.3300 dated 27.09.2016 registered under Sections 138 Negotiable Instruments Act read with Section 420 IPC.

In a private complaint case referred above the trial Court issued accused summons against the petitioner. However, he did not appear as stated by the trial Court in the impugned order. Thereafter, the

trial Court declared the petitioner as proclaimed persons vide order dated 16.02.2017.

In my view, since the petitioner has not appeared on the first date itself after issuance of the accused summons, the petitioner should be allowed to appear before the trial Court, apply for bail, furnish the bail and thereafter participate in the trial.

Learned counsel for the petitioner, on instructions makes statement that the petitioner would regularly appear before the trial Court for disposal of the complaint case.

Since the petitioner wants to face the trial before the trial Court and there is no other criminal antecedent against the petitioner, I am inclined to pass the following order:

**ORDER**

- (i) Rule is made absolute in terms of the prayer.
- (ii) Impugned order dated 16.02.2017 passed by the learned JMIC, Amritsar (Annexure P-4), is set aside.
- (iii) The petitioner is directed to appear before the trial Court with promptitude till the completion of trial in complaint case. In the event of arrest, the petitioner shall be released on *ad-interim* anticipatory bail in this case, on furnishing of his bail bonds amounting to ₹10,000/- with one surety in the like amount to the satisfaction of the trial Court. Petitioner shall abide by the conditions envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.
- (iv) The petitioner to surrender his passport with the trial Court, if he possesses the same.

(v) Any further default would be viewed seriously by the trial Court.

13<sup>th</sup> DECEMBER, 2017  
'raj'

(A. B. CHAUDHARI)  
JUDGE

*Whether speaking/reasoned* : Yes No

*Whether Reportable* : Yes No