

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

(Sr. No.254-A)

CRM-M-815-2017

Date of Decision:-March 08, 2017

COL. AJIT SINGH (RETD.)

.....Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

.....Respondent

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

Present : Mr. Vivek Sharma, Advocate
for the petitioner.

Mr. Daljit Virk, DAG Punjab.

A.B. Chaudhari, J. (Oral)

In the present petition, there is a challenge to the order dated 4.6.2016 (Annexure P-4) by which the petitioner was declared a PO. Learned counsel for the petitioner inter-alia submits that the petitioner was never served with the summons and therefore the impugned order declaring him PO is bad and illegal. Learned counsel for complainant vehemently opposed the petition and submitted that there is alternate remedy of revision before the Sessions Court.

Without going into the disputed questions as to the service of summons etc on the petitioner, I think the petitioner is entitled to be given a chance to participate in the proceedings before the trial court by putting appearance in the trial court. Since Learned counsel for the petitioner makes a statement, on instructions from the petitioner, that the petitioner would appear before the trial court, the petitioner would appear before the trial court and furnish bail bonds as ordered and would continue to participate in

the proceedings to defend the proceedings. Liberty of the person cannot be curtailed, that too in a case relating to bouncing of the cheque. In that view of the matter, following order is passed:-

ORDER

- (i) CRM-M-815-2017 is allowed;
- (ii) the impugned order Annexure P-4 is quashed and set aside;
- (iii) statement of the Learned counsel for the petitioner, on instructions from the petitioner, that the petitioner would not default in appearance before the trial court is accepted;
- (iv) the petitioner would appear before the trial court and furnish bail bonds to its satisfaction and continue to defend the proceedings before the trial court.

March 08, 2017

Rajeev

(A.B. Chaudhari)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No