

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-26713 of 2018

.....

Date of decision:25.9.2018

Sanjeev Kumar Rajput

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Present: Mr. H.S. Randhawa, Advocate for the petitioner.

Mr. Sukhdeep Parmar, Deputy Advocate General, Haryana
for the respondent-State.

None for the respondent No.2.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 482 Cr.P.C. for setting aside the order dated 16.08.2017 (Annexure-P.3), vide which the petitioner has been declared as a proclaimed person in complaint case No.1596 instituted on 31.08.2016 for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the NI Act'), the same being totally illegal and in contravention of Section 82(2) (i)(a) of Code of Criminal Procedure.

Notice of motion has been issued in this case.

Mr. Sukhdeep Parmar, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition. No one has appeared on behalf of respondent No.2.

I have heard learned counsel for the petitioner as well as

learned State counsel and have gone through the record.

From the record, I find that the proclamation has been issued by the Court.

Learned counsel for the petitioner argued that the proclamation has not been issued as per law. The petitioner was never served before declaring him as proclaimed offender. Learned counsel for the petitioner also argued that the petitioner has already appeared before the Police as well as the Court as his arrest had been stayed.

A perusal of the record shows that the bail petition of the petitioner has already been allowed and he has been directed to surrender before the Court, as argued. As the petitioner has already been granted the benefit of bail and he has appeared before the Court, therefore, after the surrender of the accused before the Court and grant of bail, the PO order has become infructuous. Hence, this petition is allowed and the impugned order dated 16.08.2017 (Annexure-P3) is set aside accordingly.

September 25, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No