

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

211

CRM-M-30342-2018 (O&M)

Date of Decision : 22.10.2018

Mandeep Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. Parveen Kumar Garg, Advocate for the petitioner.

Mr. Nikhil K.Chopra, Addl. A.G. Punjab.

Mr. Manish Kumar Singla, Advocate for respondent No.2.

P.B. BAJANTHRI, J.(ORAL)

In the present petition, petitioner has sought for quashing of impugned order dated 07.04.2017 (Annexure P-2) passed by the learned trial court in complaint No. 733 of 2016 dated 25.07.2016 titled as Gandhi Ram versus Mandeep Kumar under Section 138 of NI Act, PS Sadar Sunam, Distt. Sangrur, whereby petitioner has been wrongly and illegally declared as Proclaimed person and evidence has been recorded u/s 299 Cr.P.C. in utter violation of provisions of Cr.P.C. and also the relief as prayed for.

2. Learned counsel for the respondent No.2 submitted that he has no objection in setting aside the order dated 07.04.2017 if the petitioner is directed to appear before the trial court as stay is operating in the present petition and proceeding is stalled before trial court.

3. Heard the learned counsel for the parties.

4. Perusal of order dated 07.04.2017 vide which petitioner has been declared proclaimed offender it is evident that it is not a speaking order.

Further there is non-compliance to the procedure. For which respondent No.2 has no objection in setting aside the order if the petitioner is directed to participate in the proceeding. In view of these submissions and order dated 07.04.2017 is not a speaking order and it is set aside. Petition stands allowed.

5. Petitioner is directed to appear before the trial court on 14.11.2018.

22.10.2018

pooja saini

(P.B. BAJANTHRI)

JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No