

CRM-M-41404-2018 (O&M)

Date of decision:11.12.2018

Mukund Karwa and another

...Petitioners

Versus

M/s India Infoline Finance and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Gaurav Aggarwal, Advocate, for the petitioners.

Mr. Vineet Sehgal, Advocate for respondent No.1

Ms. Harpreet Kaur, AAG, Haryana for respondent No.2-State.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Section 482 Cr. P.C. for quashing of the impugned order dated 01.05.2018, passed by learned Judicial Magistrate 1st Class, Gurugram, in a complaint case No.13540 dated 02.11.2016, registered under Sections 138, 141, 142 of Negotiable Instruments Act, at Police Station DLF Phase-II, Gurgaon, vide which the petitioners have been declared proclaimed persons.

Vide order dated 20.09.2018, the petitioners were directed to appear before the trial Court on or before 03.10.2018. It was further directed that in case the petitioners so appear before the trial Court then the petitioners shall be released on interim bail on their furnishing bail bonds/sureties to the satisfaction of the trial Court.

Counsel for the petitioners submits that the petitioners have; in fact; appeared before the trial Court on the given date. He further submits that although the order of appearance of the petitioners before the trial Court, as such, is not available with him but he has produced another order dated 15.11.2018, which shows that the petitioners are represented before

the trial Court through their counsel-Sh. Satish Gupta and they are facing the trial. The petitioners have been released on bail by the Trial Court.

Learned State counsel has filed reply by way of affidavit of Karan Goel, HPS, Assistant Commissioner of Police, DLF, Gurugram on behalf of respondent No.2 and the same is taken on record. Learned State counsel does not dispute the fact that the petitioners have appeared before the trial Court and they have been released on bail by the trial Court.

In view of the above, since the purpose of impugned order is otherwise also achieved, therefore, the present petition is allowed; and the interim order dated 20.09.2018, passed by this Court, is made absolute.

(RAJBIR SEHRAWAT)
JUDGE

11.12.2018
Hemlata

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No