

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

CRM-M-4302-2018 (O&M)

Date of Decision: 02.02.2018

Vikram

...Petitioner

V/s.

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

AMOL RATTAN SINGH, J. (Oral).

By this petition, the petitioner seeks quashing of the order dated 23.05.2017 (Annexure P-3), by which he has been declared to be a proclaimed person, as also of FIR No. 1238 dated 01.12.2017 registered for the alleged commission of an offence punishable under Section 174-A IPC (copy Annexure P-4).

Mr. Gupta, learned counsel appearing for the petitioner, submits that as a matter of fact, the report of the petitioner having refused service of the summons issued by the trial Court, in the complaint filed under Section 138 of the Negotiable Instruments Act, 1881, was wholly without justification, as the petitioner had never refused to accept the summons/notice and simply because the process server reported so, without any chance given to the petitioner to appear before that Court, to explain that he had never refused summons, non-bailable warrants were ordered to be issued.

This petition is consequently disposed of with a direction to the

trial Court, that upon the petitioner surrendering before that Court within

one week, he would be admitted to interim bail, thereafter giving him a chance to prove that he never actually refused service.

The order declaring the petitioner a proclaimed person shall remain in abeyance during the pendency of the bail application.

(AMOL RATTAN SINGH)
JUDGE

02.02.2018
Divyanshi

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