

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

CRM-M-8192-2016

Date of decision: April 25, 2018

Vineet Sachdeva

....Petitioner

Versus

Ankur Sharma

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Gurpreet Singh, Advocate
for the petitioner.

None for the respondent.

RAJ SHEKHAR ATTRI, J.(ORAL)

This is a petition for quashing of order dated 04.11.2015 passed by the learned Judicial Magistrate Ist Class, Hoshiarpur vide which court has wrongly declared the petitioner as proclaimed person in complaint No.353 dated 21.05.2013, under Section 138 of Negotiable Instruments Act.

It has been argued that petitioner was never served. Notice was issued to him through registered post on his given address but said notice was not received back but inspite of the fact, coercive order was issued. Even bailable warrants and non-bailable warrants were not executed and he was declared proclaimed offender.

I have heard learned counsel for the parties and have gone through the record.

Perusal of the record shows that petitioner was not served personally in the complaint case. His bailable warrants and non-bailable warrants were received back unexecuted and there is nothing on the record to show that the petitioner was intentionally avoiding the process of court.

In the similar matter in case between the same parties i.e. *CRM No.7951 of 2016* decided on 3rd July, 2017, the order dated 30.11.2015 has been *set aside* by this court.

Therefore, keeping in view the facts and circumstances of the case, this court is of the opinion that impugned order dated 04.11.2015 is *set aside* as petitioner has already joined the proceedings and trial is going.

Disposed of accordingly.

(RAJ SHEKHAR ATTRI)
JUDGE

April 25, 2018
m. sharma

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