

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15188-2019 (O&M)
Date of decision : May 02, 2019

MANISH CHADHA

.....Petitioner

Versus

PARVEEN KUMAR AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.P. Batra, Advocate
for the petitioner.

Mr. Sidhakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

Mr. A.S. Saini, Advocate puts in appearance on behalf of the respondent No.1 and submits vakalatnama. The same is taken on record.

Prayer made in the petition is for quashing of the order dated 30.07.2018 (Annexure P6) passed by the trial Court vide which the petitioner was declared a proclaimed offender in a criminal complainant No. CIS NACT/140/17 dated 02.05.2017 under Section 138 of Negotiable Instruments Act titled as "Parveen Kumar Vs. Manish Chadha".

On 03.04.2019, while allowing the application the petitioner was directed to appear before the trial Court subject to payment of Rs. 20,000/-, to be paid to the complainant subject to final outcome of the case and in case of settlement, the same will be adjusted towards the cheque amount. The same shall be a pre-condition before accepting the bail/surety bonds of the petitioner.

Learned counsel for the petitioner submits that in compliance of the order dated 03.04.2019, he has furnished the bail/surety bonds and also deposited a payment of Rs. 20,000/- to the complainant subject to final outcome of the case.

A perusal of the order dated 12.04.2019 passed by the trial Court shows that the complainant received a sum of Rs. 20,000/- from the accused. Photocopy of the order dated 12.04.2019 passed by the Judicial Magistrate Ist Class, Rupnagar is placed on record.

Learned State counsel has not disputed the factual position.

In view of the same, the present petition is allowed and the order dated 30.07.2018 passed by the trial Court declaring the petitioner as proclaimed offender is set aside and the order dated 03.04.2019 passed by this Court is made absolute.

(ARVIND SINGH SANGWAN)
JUDGE

02.05.2019

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