

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-14261-2019

Date of Decision : 11.4.2019

Narender Rathi

....Petitioner

vs.

Ramesh Chand and another

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Naresh Kaushik, Advocate
Mr. Jarnail S. Saneta, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

AJAY TEWARI, J. (Oral)

By this petition the petitioner has prayed that he be released on bail in complaint case No. 45372/2013 dated 31.7.2013/21.1.2016 and being summoned as an accused and for setting aside the order dated 14.3.2017 whereby the petitioner has declared as proclaimed person.

Learned counsel for the petitioner has argued that the complainant had filed a complaint that he was running a business of tour and travel and on 1.8.2012 the co-accused alongwith the petitioner had come to his office and had hired four vehicles @ Rs.20,000/- per vehicle per month. They paid the charges up to December 2012 but thereafter, they neither pay the amount nor return the vehicles.

The precise contention of the learned counsel for the petitioner is that the petitioner was originally the resident of village Tikri, Tehsil

Barot, District Bagpat, UP but he is now residing in Delhi and consequently, no summons ever reached and there is no report of service or refusal on the file of the Court. Secondly, the other co-accused have been acquitted. Moreover, the petitioner is not averse to appear before the Court and he undertakes to appear. Notice was issued and the summon has been received back served on respondent No.1 though none has come to controvert the allegations.

In these circumstances, I deem it appropriate to direct that if the petitioner appear before the trial Court on 22.4.2019 and face the trial he will be released on bail to the satisfaction of the Trial Court; and the order dated 14.3.2017 whereby the petitioner was declared proclaimed offender is set aside; but in case he does not appear before the trial Court, this petition would be deemed to be dismissed.

The petition stands disposed of with the abovesaid observations.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

11.4.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No