

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.16338 of 2019

Date of decision: 9.4.2019

Sunil Kumar

...Petitioner

Versus

Harjeet Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Anandeshwar Gautam, Advocate for the petitioner.

MANOJ BAJAJ, J. (ORAL)

By way of filing this petition, the petitioner Sunil Kumar has challenged the order dated 17.9.2018 (Annexure P-4) whereby the trial Court has proceeded to declare him as proclaimed offender.

Learned counsel for the petitioner contends that in the connected petition bearing No.33400 of 2018 i.e. quashing of the complaint under Section 138 of Negotiable Instruments Act and proceedings arising out of which, notice of motion was issued and at the same time, proceedings in respect of accused No.2 Irshad Ali were stayed as he was not signatory to the cheque. It is pointed out that the said order was construed as absolute stay in respect of the proceedings and therefore, the petitioner also failed to put in appearance before the trial Court. The said communication was given by the earlier counsel, namely, Mr.Brij Lal Sharma and unfortunately he is no more.

Notice of motion.

Mr.Rakesh Gupta, Advocate accepts notice on behalf of complainant-respondent No.1 and Mr.Sukhdeep Parmar, DAG Haryana accepts notice on behalf of respondent No.2.

Explanation for absence on behalf of petitioner Sunil Kumar appears to be justifiable and is accepted.

Learned counsel appearing on behalf of the complainant also does not object to the relief claimed by the petitioner subject to his putting in appearance before the trial Court on 18.4.2019.

In view of the above, the petition stands disposed of and the impugned order dated 17.9.2018 is set aside with a direction to the petitioner to appear before the trial Court on or before 18.4.2019. It shall be open for the trial Court to either allow him on the same bail bonds furnished by him earlier or may seek fresh one.

April 9, 2019
Meenu

(MANOJ BAJAJ)
JUDGE

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