

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

CRM-M No.20385 of 2019 (O&M)

Date of decision: 24.07.2019

Rajesh Kumar Yadav

....Petitioner

Versus

Savtantar Rai Joshi

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Amaninder Preet, Advocate
for the respondent.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 18.12.2018 (Annexure P-8) passed by the trial Court in complaint case i.e. NACT No.541 of 2015 (Annexure P-3) titled as 'Savtantar Kumar vs Rajesh Kumar' filed under Section 138 of the Negotiable Instruments Act, 1881, vide which the petitioner has been declared as proclaimed offender.

Counsel for the petitioner submits that in pursuance to the order dated 06.05.2019, the petitioner could not appear before the trial Court as the another petition i.e. CRM-M No.26925 of 2019, filed by the petitioner seeking anticipatory bail was pending before this Court. It is further submitted that the petitioner is ready to appear before the trial Court and deposit the amount of Rs.10,000/- as costs to the respondent/complainant by way of demand draft.

Counsel for the petitioner has further argued that the petitioner was declared as proclaimed person even prior to expiry of the

period of 30 days provided under Section 82 Cr.P.C.

Counsel for the respondent has no serious objection to the submission made by counsel for the petitioner and argued that the petition be disposed of with a direction that if the petitioner fails to appear and hand over the costs of Rs.10,000/- by way of demand draft favouring the complainant on or before 03.08.2019, this petition may be deemed to be dismissed.

In view of the above, the petition is allowed and the impugned order dated 18.12.2018 (Annexure P-8) is set-aside and the petitioner is directed to appear before the trial Court on or before 03.08.2019 and the trial Court will release the petitioner on interim bail subject to his furnishing bail/surety bonds and on payment of costs of Rs.10,000/- to be paid to the complainant by way of demand draft.

It is made clear that in case the petitioner fails to appear before the trial Court and hand over the costs of Rs.10,000/- by way of demand draft favouring the complainant on or before 03.08.2019, this petition shall be dismissed without any further order.

Disposed of accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

24.07.2019
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No