

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

**CRM-M No. 46270 of 2016
Date of Decision:-22.07.2019**

Atul Limited

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

This petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondents No.2 and 3 to decide the representation (Annexure P-6) wherein a request has been made for registration of FIR against the accused (respondent No.4), who was declared as proclaimed offender vide order dated 12.4.2016 in complaint case brought by petitioner under Section 138 of Negotiable Instruments Act, 1881. Alternatively, it is prayed that that the trial Court be directed to decide the application (Annexure P-4) filed on 4.5.2016 before the trial Court, which remains undecided.

Learned counsel for the petitioner has invited the attention of

this Court to the order dated 4.5.2016 passed by the trial Court, which reads as under :-

“Statement of Sh. Yogesh Kumar, Area Sales Manager of Atul Limited has been recorded to the effect that his previous statement in preliminary evidence be read as part of evidence u/s 299 Cr.P.C. and he has closed the evidence u/s 299 Cr.P.C. Accused Pal Singh has already been declared as proclaimed person in this case. So, file be consigned to record room after due compliance. Same will be taken up as and when the accused Pal Singh is arrested by the police or surrenders before the Court.”

According to him the complaint proceedings are pending only for the appearance of accused, who is proclaimed offender. He submits that it is a case where accused has not appeared despite service and is evading his appearance, and therefore, deserves to be prosecuted under Section 174 (A) IPC.

The above fact is not disputed by learned State counsel. It is not disputed by him that the application filed by the petitioner is pending before the trial Court.

The petition is disposed off with a direction to the trial Court to decide the application (Annexure P-4) moved by the petitioner.

July 22, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No