

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

CRM-M-27325-2019 (O&M)

Date of decision : 01.07.2019

Arvind

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Choudhary, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for quashing of order dated 19.04.2019
(Annexure P-1) declaring him to be proclaimed person.

Petitioner was convicted by the learned Judicial Magistrate, Ist
Class under Section 138 of the Negotiable Instruments Act, 1881. In appeal,
alleged settlement was arrived at, however, the petitioner did not pay as per
the settlement.

Learned Sessions Judge before whom appeal was pending,
granted another opportunity to pay the amount as per settlement. However,
thereafter, the petitioner stopped appearing, forcing the Court to cancel his
bail. After following the due procedure, petitioner was declared proclaimed
person. He filed a petition for grant of anticipatory bail in this Court
wherein following order was passed on 22.04.2019:-

*“The petitioner was convicted by the learned Judicial
Magistrate 1st Class under Section 138 of the Negotiable
Instruments Act, 1881. In appeal, he entered into a
settlement but did not pay the amount. On 30.07.2018, the
learned Sessions Judge, Faridabad, noted in its order that
the payment has not been made and request for grant of*

another 15-20 days has been made for arranging the amount and the case was adjourned to 21.08.2018. However, on 21.08.2018 the petitioner did not appear in the Court, forcing the court to cancel his bail.

The petitioner has challenged the order dated 21.08.2018 passed by the learned Sessions Judge.

Learned counsel for the petitioner has been called upon to deposit the amount in order to show bonafide of the petitioner. He prays for a short adjournment.

Adjourned to 29.04.2019.

To be listed in the urgent.”

On 29.04.2019, counsel for the petitioner after taking instructions from the petitioner submitted that he is ready to deposit ₹2,00,000/- within one week and pay another sum of ₹3,00,000/- within a period of 6 weeks' thereafter. On the next date of hearing i.e. on 06.05.2019, once again indulgence was sought and granted. The petitioner was directed to appear before the First Appellate Court. Admittedly, the petitioner has neither appeared before the First Appellate Court nor deposited the amount as undertaken.

In these circumstances, petitioner does not deserves any concession from the Court. He, if so advised, should surrender before the First Appellate Court and thereafter apply for regular bail which shall be decided by the Court in accordance with law.

Accordingly, the present petition is dismissed.

01.07.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**