

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28798-2019 (O&M)
Date of Order:16.07.2019

Keshav Phutela

..Petitioner

Versus

Mool Chand

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Akashdeep Sethi, Advocate, for the petitioner.

ANIL KSHETARPAL, J(Oral)

Petitioner is an accused in a criminal complaint filed under Section 138 of the Negotiable Instrument Act. He was granted bail. Learned counsel for the petitioner submits that the petitioner could not come present on 13.03.2019 and the Court forfeited the bail bonds and ordered the petitioner to be summoned throughailable warrants and thereafter through non-ailable warrants. He further submits that on 10.06.2019, petitioner was declared proclaimed person. He submits that non-appearance on 13.03.2019 was due to the circumstances beyond the control of the petitioner. He submits that he has instructions to make a statement that petitioner is ready to appear before the trial Court and face trial. He further submits that the petitioner would regularly appears before the trial Court unless the appearance is exempted.

The purpose of declaring a proclaimed person is to secure his presence. In the present case, the petitioner was declared a proclaimed person on 10.06.2019. The petitioner applied for anticipatory bail when the non-ailable warrants were issued but the same was dismissed by the

learned Additional Sessions Judge, on 04.06.2019. Thereafter, the petitioner was declared proclaimed person.

Keeping in view the facts and circumstances of the present case and in view of the undertaking given by learned counsel for the petitioner that the petitioner would appear before the trial Court within 10 days from today and submits fresh bail bonds, the present petition is allowed and the order declaring the petitioner proclaimed person dated 10.06.2019 (Annexure P-1) is set aside conditionally provided the petitioner complies with the undertaking given. If the petitioner complies with the aforesaid undertaking, petitioner on furnishing bail bonds to the satisfaction of the trial Court shall be released on bail.

July 16, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No