

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

CRM-M-39312-2019

Date of decision: October 19, 2019

Dilpesh Lakshman Bhagtani

...Petitioner

Versus

Raj Singh Chhillar

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. Amardeep Singh Walia, Advocate for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

In the present petition the petitioner has prayed for setting aside the order dated 9.1.2019 passed by the trial Court in complaint No.12474 of 2017 dated 7.12.2017, vide which the petitioner was declared a proclaimed person.

On 16.9.2019, the following order was passed :-

“Learned counsel for the petitioner submits that the petitioner is a resident of Maharashtra and is not residing within the jurisdiction of the trial Court. It is further submitted that at the time, when the summons were issued, the petitioner was in custody in Mumbai Central Prison. Learned counsel relies upon the custody certificate dated 29.8.2019 (Annexure P-9) issued by the Superintendent, Mumbai Central Prison, Mumbai to submit that the petitioner was in judicial custody from 22.1.2018 to 29.8.2019 and at no stage, the proclamation issued under Section 82 Cr.P.C. was served upon the petitioner. Learned counsel has further submitted that the petitioner undertakes to appear before the trial Court and apply for regular bail.

Notice of motion for 19.10.2019.”

Counsel for the petitioner submits that in compliance with the order dated 16.9.2019, the petitioner has put in appearance before the trial Court and is facing the trial.

This fact is not disputed by counsel for the complainant.

In view of the above, the petition is allowed and order dated 16.9.2019 is made absolute, subject to the conditions envisaged under Section 438(2) Cr.P.C.

October 19, 2019
satish

(ARVIND SINGH SANGWAN)
JUDGE

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