

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

**CRM-M No. 5176 of 2020
Decided on: 05.03.2020**

Sheramir Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. S.S. Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in complaint case No.5564/2017 dated 29.06.2017 filed under Section 138 of the Negotiable Instruments Act, 1881 and for setting-aside the order dated 06.09.2019 passed by the trial Court vide which the petitioner has been declared as proclaimed offender.

The operative part of the order dated 05.02.2020, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned counsel for the petitioner submits that the petitioner has been declared a proclaimed person, vide order dated 06.09.2019, without following the proper procedure prescribed under Section 82 Cr.P.C. as no service was effected at his ordinary place of residence.

Learned counsel for the petitioner further submits that the petitioner will surrender before the trial Court and apply for regular bail.

Notice of motion for 05.03.2020....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 05.02.2020, the petitioner has appeared before the trial Court and he has been released on bail.

Counsel for the State has not disputed the aforesaid fact.

In view of the above, this petition is allowed, the order dated 06.09.2019 passed by the trial Court vide which the petitioner has been declared as proclaimed person is set-aside and the interim bail granted to the petitioner vide order dated 05.02.2020 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

05.03.2020

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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No