

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

CRM-M-9324-2020

Date of decision: 02.03.2020

Vijay Kumar

...Petitioner

Versus

Rajesh Kumar and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ashok Kumar Sama, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition under Section 482 Cr.P.C. is to quash the impugned order dated 20.04.2019 (Annexure P-3) passed by the learned Judicial Magistrate 1st Class, Fazilka, vide which the petitioner has been declared as proclaimed person in complaint case No. 31 of 2017, CNR No. PBFZC2-000181-2017 Nact-31-2017 (Annexure P-1) titled as 'Rajesh Kumar Vs. Vijay Kumar' pending in the Court of learned Judicial Magistrate 1st Class, Fazilka.

Learned counsel for the petitioner states that the summons were never received by the petitioner and he was not aware about the proclamation because he was not present at home when the summons or warrants were said to be served to him, even in the report, it has been stated that the petitioner is out of station. Learned counsel for the petitioner has drawn the attention of

this Court towards the medical record of the petitioner's wife who is under treatment at Jaipur being a cancer patient. He further states that the petitioner is ready to appear before the Court where the complaint under Section 138 of Negotiable Instruments Act, 1881 is pending.

Notice of motion to A.G. Punjab.

On the asking of this Court, Mr. Dhruv Dayal, Senior DAG, Punjab, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner is directed to supply the copy of the paper-book to the learned State counsel during the course of the day itself.

In view of the above, the petitioner is directed to appear before the trial Court within 10 days. On his doing so, the trial Court shall release him on bail, subject to his furnishing bail/surety bonds to its satisfaction and further subject to payment of costs of Rs. 5,000/- to be paid to the complainant-respondent No. 1. If the petitioner fails to appear before the trial Court within the stipulated period, the instant petition shall stand dismissed automatically.

Disposed of.

(HARNARESH SINGH GILL)
JUDGE

02.03.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No