

Sr. No.209

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

CRM-M-12461 of 2020 (O&M)

Date of Decision: 01.07.2020

Balwinder Singh

...Petitioner

Versus

State of Haryana & Anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Dhruv Gupta, Advocate,
for the petitioner.

Mr.Vikrant Pamboo, DAG Haryana
(presence marked through Video Conferencing)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking quashing of order dated 16.03.2020(Annexure P-4) by virtue of which he has been declared a proclaimed offender in a complaint filed against him by respondent No.2 under Section 138 of Negotiable Instruments Act.

2. Learned counsel submits that due to circumstances beyond the control, the petitioner could not appear before the trial Court on 26.09.2019, resultantly his warrants of arrest were issued. Later, the trial Court without resorting to the due procedure, in a haste, declared the petitioner as a proclaimed person vide impugned order dated 16.03.2020. He further submits that pursuant to the directions of this Court dated 18.05.2020, the petitioner has put in appearance before the Court below and he has been enlarged on bail. Learned counsel submits that the absence of the petitioner was not intentional and he will keep on appearing before the trial Court regularly, without there being any default.

3. None has appeared on behalf of complainant-respondent No.2.

4. Learned State counsel submits that petitioner misused the concession of bail granted by the Court in a complaint under Section 138 of Negotiable Instruments Act and is not entitled to any protection.

5. Considering the fact that petitioner has been declared PO in a criminal complaint instituted by respondent No.2 under Section 138 of Negotiable Instruments Act involving the cheques amount of Rs.1,50,000/- and pursuant to the orders of this Court, he has appeared before the Court and has joined the proceedings and more particularly in view of the plea of clemency raised, coupled with the undertaking to regularly attend the hearing, this Court is of the view that petition deserves to be allowed.

6. In the circumstances, petition is allowed. Order dated 16.03.2020 is set aside, whereas order dated 18.05.2020 passed by this Court is made absolute. The petitioner shall be bound by the undertaking, *ibid*.

(ARUN MONGA)
JUDGE

01.07.2020
Jiten

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No