

CRM- M-23056-2020 (O&M)

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

CRM- M-23056-2020 (O&M)

Date of Decision: August 18, 2020

Vikas Kumar

..... Petitioner

VERSUS

State of Haryana

.... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Aditya Vashishath, Advocate
 for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

JAISHREE THAKUR, J.(Oral)

This is a petition that has been filed seeking quashing of order dated 09.10.2019 passed by the Judicial Magistrate 1st Class, Safidon in criminal complaint bearing No. NACT/201/2017 under Section 138 of the Negotiable Instruments Act, 1881 whereby the petitioner had been declared as a proclaimed person, besides challenging the subsequent proceedings under Section 174-A IPC.

It is argued that the petitioner herein was never served any notice for putting in appearance before the Court below and it is only on filing of an FIR under Section 174-A that he came to know about the order dated 09.10.2019 declaring him as a proclaimed person. Be that as it may, learned counsel for the petitioner prays that one opportunity be allowed to him to put in an appearance before the Court below as he is ready to face

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trial.

After hearing learned counsel for the petitioner, I deem it appropriate to dispose of the instant petition *in limine* and order to keep the impugned order dated 09.10.2019 in abeyance and by staying the arrest of the petitioner for a period of two weeks to enable him to appear before the trial Court and move an appropriate application for having the impugned order set aside, which would be considered by the trial Court in accordance with law. He shall be admitted to interim bail to the satisfaction of the Court till disposal of P.O. proceedings.

Ordered accordingly.

It is made explicitly clear that in case the petitioner fails to surrender before the trial Court within the specified time, any interim protection allowed to him by this Court shall stand automatically vacated.

August 18, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No