

CRM- M-24906-2020 (O&M)

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

CRM- M-24906-2020 (O&M)

Date of Decision: August 28, 2020

M/s R.R.N. Sales Pvt Limited through its Director Nishant Garg and another

..... Petitioners

VERSUS

M/s Chirag Communication Pvt. Ltd. through its proprietor and another

.... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Alok Mittal, Advocate
 for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. Rohan Sharma, Advocate
 for the complainant.

JAISHREE THAKUR, J.(Oral)

This is a petition that has been filed seeking quashing of order dated 21.12.2018 passed by the Judicial Magistrate 1st Class, Patiala in complaint case bearing No. COMA/2851/2016 dated 18.08.2016 whereby the petitioner No. 2 has been declared as proclaimed offender.

It is argued that petitioner No.2-Nishant Garg herein had initially put in an appearance before the Court below after he was served and was released on bail. However, he could not appear during trial and his bail bonds had been cancelled. Notices were issued under Section 82 Cr.P.C. but he was unable to appear as he had already been declared as a proclaimed offender in other cases. Be that as it may, learned counsel for the petitioner submits that the petitioner is in the process of settling all

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disputes and seeks that one opportunity be allowed to him to put in an appearance before the Court below as he is ready to face trial.

Notice of motion.

Learned counsel for the respondent No.1 -complainant as well as State accept notice through video conferencing and oppose the quashing of the impugned order while submitting that the petitioner herein is habitual offender and have to pay the firm i.e respondent No. 1 an amount of Rs. 02 lacs without computing the interest thereon.

After hearing learned counsel for the petitioner, I deem it appropriate to dispose of the instant petition and order to keep the impugned order dated 21.12.2018 in abeyance 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.

It is made explicitly clear that in case there is single default on the part of the petitioner after surrendering before the trial Court within the specified time, any interim protection allowed to him by this Court shall stand automatically withdrawn.

August 28, 2020

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(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No