

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

**CRM-M No.52868 of 2019(O&M)
Date of Decision: 17.01.2020**

Jaldhara and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Gopal Sharma, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. A.K. Jain, Advocate
for respondent No.4

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioners have assailed the order dated 09.04.2018 passed by Judicial Magistrate First Class, Rewari, vide which petitioners were declared as proclaimed offenders and necessary intimation was issued for initiating proceedings under Section174-A IPC and the case was adjourned for recording statement of the complainant under Section 299 Cr.P,C. The impugned order was passed in a criminal complaint under Sections 138/142 of Negotiable Instruments Act filed by the

complainant/respondent No.2 against the petitioners.

[2]. On 11.12.2019, this Court took cognizance of the issue on the premise that the Magistrate could not declare the petitioners as proclaimed offenders as they were not accused in offence specified under Section 82(4) Cr.P.C. Operation of the impugned order which was subsequently corrected vide order dated 20.12.2019 to be read as 09.04.2018 instead of 16.03.2018 was stayed.

[3]. Since the offences punishable under Section 138 of the Negotiable Instruments Act are bailable, therefore, the petitioners were held at liberty to approach the trial Court to seek regular bail within a specified period. In pursuance of aforesaid order dated 11.12.2019 (modified on 20.12.2019), the petitioners have already approached the Court of Judicial Magistrate First Class, Rewari.

[4]. Vide order dated 21.12.2019, petitioners have been admitted to bail on their furnishing bail bonds in the sum of Rs.50,000/- each with one surety each in the like amount. Petitioners also got recorded their statements that they are appearing for the first time in the case. After submission of bail bonds/surety bonds, the same were accepted. Release order was accordingly issued.

[5]. Learned counsel for the petitioners submits that the

petitioners undertake to appear regularly before the trial Court.

[6]. In view of aforesaid position, it would be just and appropriate to accept this petition. Cause of action, if any, available to the complainant shall be espoused by him in accordance with law. Trial Court would make every endeavor to dispose of the complaint at the earliest.

17.01.2020
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking Yes/No

Whether reportable Yes/No