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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.25213 of 2021 (O&M)

Date of decision: 06.07.2021

Mahavir Sharma

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Radhe Shyam Sharma, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 26.03.2019 passed by the trial Court in complaint No.195 of 2016 (Annexure P1) under Section 138 of the Negotiable Instruments Act, 1881 vide which the petitioner was declared as proclaimed person.

Counsel for the petitioner has argued that while filing the complaint under Section 138 of the Negotiable Instruments Act, 1881, the correct address of the petitioner was never supplied and therefore, the petitioner was never served with the summons of the complaint case. It is further submitted that the petitioner has been declared as proclaimed person without following the proper procedure under Section 82/83 Cr.P.C.

Counsel for the petitioner has also submitted that the petitioner is ready to surrender before the trial Court and face the proceedings, in accordance with law.

Since the issuance of notice of motion will further delay the proceedings of the case, this petition is allowed and the order dated

CASE HEARD THROUGH VIDEO CONFERENCING

26.03.2019, declaring the petitioner as proclaimed person is set-aside and the petitioner is directed to surrender before the trial Court within a period of 15 days from today and the trial Court will release the petitioner on interim bail subject to his furnishing fresh bail/surety bonds.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

06.07.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No