

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

**CRM-M-35693-2021
Date of decision 04.10.2021**

Anil Bansal

Petitioner

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. J.S. Walia, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, Deputy Advocate General,
Haryana.

AVNEESH JHINGAN, J (Oral):

[1] Today physical hearing was held but on request of learned counsel for the petitioner, the matter is taken up by way of hybrid hearing.

[2] This petition is filed seeking quashing of order dated 14th December, 2019 passed by the Additional Civil Judge (Senior Division), Ratia in Criminal Complaint No. NACT/ 114/2016 under Section 138 of the Negotiable Instruments Act, 1881 whereby the petitioner has been declared as Proclaimed Offender.

[3] As per the pleadings, petitioner was not aware about the proceedings in the complaint as no service was effected upon him.

[4] On 1st September, 2021, this Court passed the following

order:-

"The matter is taken up for hearing through video conference due to COVID-19 situation.

Learned counsel for the petitioner submits that the petitioner was not served and he was not aware of the pendency of complaint under Section 138 of the Negotiable Instruments Act, 1881. He further submits that the petitioner had actually borrowed Rs.1,00,000/- and returned Rs.49,000/-. The submission is that blank cheque has been misused. To show his bonafide, the petitioner offers to deposit Rs.25,000/- with the trial court in cash subject to outcome of the complaint.

Notice of motion for 27.9.2021.

Let the petitioner appear before the trial court within ten days and deposit amount of Rs.25,000/-. The trial court shall be at liberty to impose such further conditions, if deems necessary, to ensure the presence of the petitioner in future."

[5] In pursuance to order dated 1st September, 2021 petitioner appeared before the Court concerned and deposited Rs. 25,000/-, he was granted bail. Counsel for the complainant was present before the trial Court when bail was granted.

[6] To avoid further delay in the complaint, the impugned order is set aside. Let petitioner continue to appear in complaint proceedings as and when called for. The trial Court would be at liberty to put any other condition, if so required, to ensure presence of the petitioner.

[7] The petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

4th October, 2021

pankaj baweja

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No