

Pankaj Mahajan

...Petitioner

Versus

State of Haryana and another

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. N.S. Lucky, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

Through Video Conferencing

ANOOP CHITKARA, J.(ORAL)

Seeking setting aside of proclamation order dated 17.04.2017
(Annexure P-2), the accused has come up before this Court.

The accused is facing trial in a complaint case titled as 'Jai Parkash Gupta Vs. Pankaj bearing case No.6384/2015'. The accused was continuously avoiding service and even the non-bailable warrants were received unserved, which led to issuance of proclamation under Section 82 Cr.P.C. Ultimately, petitioner was declared proclaimed offender vide impugned order.

Feeling aggrieved, the accused came up before this Court on the ground that he had shifted his place of residence and due to such reason he was not aware of the proceedings.

Given the COVID-19 Pandemic and the explanation offered by the accused coupled with the fact that the matter is only under Negotiable

Instruments Act, 1881, this petition is allowed.

Consequently, the impugned order of issuance of non-bailable warrants as well as issuance of proclamation is set aside qua the petitioner, subject to the condition that the petitioner shall appear before the trial Court on 22.11.2021. In case for reasons beyond his control, he is unable to appear on 22.11.2021 then he shall positively appear on 29.11.2021, failing which this order shall stand automatically recalled under Section 362 Cr.P.C without calling any further orders in this petition.

Petition is allowed in the aforesaid terms.

(ANOOP CHITKARA)
JUDGE

October 28, 2021
rekha sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No