

122 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45023-2021
Date of Decision : 28.10.2021

Bhagat Singh ...Petitioner

Versus

Mohan Lal ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. D.S.Gandhi, Advocate
for the petitioner.

Through Video Conferencing

ANOOP CHITKARA, J.(ORAL)

Seeking setting aside of proclamation order dated 28.09.2017
(Annexure P-2), the accused has come up before this Court.

The accused is facing trial in a complaint case titled as 'COMA
1427/2015 dated 06.05.2015' under section 138 of the Negotiable
Instrument Act. The accused was unable to appear before the learned trial
Court and declared as a proclaimed person. Proceedings under Section 174-
A IPC were also initiated against the accused.

Feeling aggrieved, the accused came up before this Court on
the ground that he was involved in multiple litigations and due to such
reason he was not able to join the proceedings before the learned trial Court
on the date fixed i.e., 28.09.2017.

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 initiation of proceedings

under Section 174-A IPC 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 of 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