

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

116

CRM-M-49398-2021

Date of Decision: November 26, 2021

Pankaj Mahajan

.....Petitioner

Vs.

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Krishan Kanha, Advocate for
Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA J. (ORAL)

The petitioner-accused has come up before this Court under Section 482 Cr.P.C. for quashing of the impugned order dated 08.01.2018 (Annexure P-2), passed by the Judicial Magistrate 1st Class, Gurugram in case No. NACT-1219-2015 filed on 29.04.2016 under Section 138 NI Act, registered at District Court Gurugram, vide which the petitioner has been declared proclaimed person.

Learned counsel for the petitioner submits that the petitioner had shifted to Chandigarh from Delhi in the month of August 2015 and the notices were sent to the previous address in Delhi. Therefore, he was not aware of the ongoing proceedings and was thus declared as proclaimed person.

Given above, learned counsel for the petitioner is ready and willing to appear before the concerned trial Court.

In view of the explanation offered by the accused coupled with the fact that the matter is only under Negotiable Instruments Act, this petition is

allowed.

Consequently, the impugned order dated 08.01.2018 (Annexure P-2) is set aside qua the petitioner, subject to the condition that the petitioner shall appear before the concerned trial Court on 29.11.2021. In case for reasons beyond his control, if he is unable to appear on 29.11.2021 then he shall positively appear on 06.12.2021, failing which this order shall stand automatically recalled under Section 362 Cr.P.C. without calling any further reference from this Court.

Petition is allowed in the aforesaid terms.

(ANOOP CHITKARA)
JUDGE

November 26, 2021

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Whether speaking/reasoned:	Yes
Whether reportable:	No