

**In the High Court of Punjab and Haryana at Chandigarh**

**CRM-M No. 50452 of 2021**  
**Date of Decision: 02.12.2021**

Gurmejar Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**

Present: Mr. Sansar Kundu, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

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**SURESHWAR THAKUR, J. (ORAL)**

1. The petitioner herein, accused in case bearing No. 487-2 (NACT/595/2018) of 13.11.2018, titled as 'HDFC versus Gurmejar Singh', is aggrieved from an order made by the learned trial Magistrate, on 17.8.2021. Through the afore made order, the learned Magistrate concerned hence after opining that the petitioner herein, did not cause his appearance in person or through his counsel, before him, on 17.8.2021, despite earlier thereto, a proclamation being made against him, and, it being reported to be validly executed upon him, thereafter proceeded to make an order, that the preliminary evidence already adduced, upon the complainant (supra), be read as evidence under Section 299 Cr.P.C. Moreover, the learned Magistrate also appears to make a direction upon the complainant to file the details of the property of the petitioner herein, to enable the making of further orders for attachment, of the petitioner's property. However, subsequent thereto, as unfolded by an order made on 08.10.2021, the learned Magistrate concerned proceeded to, in view of the statement made, before him, by the learned counsel for the complainant, that the latter has

received instructions, to withdraw the complaint, made an order for dismissing the complaint (supra) as withdrawn.

2. Though at the time of making of the order of 08.10.2021, it was imperative for the learned Magistrate concerned, to bear in mind the order previously, made by him on 17.8.2021, and, which becomes impugned before this Court. Moreover, though it was also imperative, for the learned trial Magistrate concerned to, in view of his making an order, hence dismissing the complaint (supra), as withdrawn, to also set aside the order as previously made on 17.8.2021, yet he omitted to do so. Conspicuously, the afore was required to be also annulled. The reason being that thereupon the afore stigmatic observations as made against the petitioner, would become cured, and, obviously hence they were required to be erased.

3. Therefore, the impugned order is quashed, and, set aside. The petition stands disposed of.

**(SURESHWAR THAKUR)**  
**JUDGE**

**December 02, 2021**  
**Gurpreet**

**Whether speaking/reasoned : Yes**  
**Whether reportable : Yes/No**