

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(204-1)

CRM-M-9003-2021

Date of decision: - 29.11.2022

Baldev Singh

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Mukesh K. Sharma, Advocate, for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Gaurav Goel, Advocate,
for complainant-respondent No.2.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for quashing of the impugned order dated 18.12.2020 (Annexure P-2), vide which the petitioner was declared as proclaimed person in case FIR No.364 dated 30.12.2018, under Sections 420, 467, 468, 469, 470, 471 and 120-B IPC, at Police Station Sadar, Hansi.

Learned counsel for the petitioner has submitted that in the present case, the FIR was registered on account of debt incurred by the petitioner with respect to the loan taken by him from the State Bank of India. It is also submitted that the petitioner has filed a petition bearing CRM-M-42756-2020 under Section 438 Cr.P.C. for the grant of anticipatory bail and in the said case, a Co-ordinate Bench of this Court had initially granted interim protection to the petitioner and in pursuance

of the same, the petitioner had joined the proceedings and has also repaid a substantial amount of loan and only an amount Rs.1,12,755/- remains to be outstanding. It is stated that the petitioner has joined the proceedings and he undertakes to appear before the trial Court on each and every date, unless his personal appearance is specifically exempted by the trial Court.

Learned State counsel as well as learned counsel appearing on behalf of respondent No.2 have reiterated the fact that the above-said amount is outstanding and also stated that the petitioner has repaid a substantial amount of the loan.

This Court has heard learned counsel for the parties and has gone through the paper-book.

Keeping in view the above-said facts and circumstances, more so, the fact that the petitioner had joined the proceedings and he undertakes to appear before the trial Court on each and every date, unless his personal appearance is specifically exempted by the trial Court, the present petition is allowed and the impugned order dated 18.12.2020 (Annexure P-2), declaring the petitioner as proclaimed person, is set aside.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present petition.

November 29, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No