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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11898-2018 (O&M)

Date of decision: 10.11.2022

V.K. Fire Safety & System

... Petitioner

Vs.

Comos Impex

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of the order dated 21.10.2017 passed by the trial Court, vide which the petitioner has been declared as proclaimed person in the Complaint Case No.463 of 2015 dated 23.01.2015, titled as 'Comos Impex Vs. V.K. Fire', filed under Section 138 of the Negotiable Instruments Act, 1881.

While issuing notice of motion on 21.03.2018, following order was passed: -

"Learned counsel for the petitioner has contended that as a matter of fact the summons were issued at H. No.2027/2, Sector 47-C, Chandigarh and there is specific report by the process serving agency that Nitin Ahluwalia-petitioner is not residing at the aforementioned address, despite that the learned trial Court

has proceeded to issue non-bailable warrants and has also issued proclamation under Section 82 Criminal Procedure Code ('Cr.P.C.' - for short) against the petitioner.

Notice of motion for 5.4.2018.

Notice re: stay as well.

Process Dasti may also be taken.

In the meanwhile, the petitioner is directed to surrender before the trial Court and in case, he does so and moves an application for grant of bail, he would be admitted to interim bail till the next date of hearing subject to its satisfaction.”

Thereafter, the petitioner appeared, however, the case remained pending considerably for a period of four years for service of the respondent.

In view of the fact that the petitioner has already put in appearance before the trial Court, no further order is called for, in the present petition and the same is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

10.11.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No