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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-52878-2022 (O&M)

Date of decision: 16.11.2022

Sanjeev Kumar

... Petitioner

Vs.

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vishal Yadav, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of the order dated 04.12.2019 passed by the trial Court, vide which the petitioner was declared as proclaimed person in a criminal complaint filed under Section 138 of N.I. Act titled as *Punjab National Bank, Bawal Vs. Sanjeev Kumar*.

Learned counsel for the petitioner submits that the complaint was filed at the instance of respondent No.2-complainant/PNB for dishonouring of a cheque, in which the petitioner was summoned as accused to face the trial, however, service was not effected and later on, vide impugned order dated 04.12.2019, he was declared a proclaimed person. It is further submitted that later on, the petitioner, on coming to know about pendency of the case, has repaid the entire amount to the complainant-Bank and the Bank has finally

withdrawn the complaint, as per the order dated 07.10.2022 (Annexure P-4). It is also submitted that in view of the fact that complaint stands withdrawn, no purpose will be served in keeping the impugned order alive, as till date, no FIR under Section 174-A IPC has been registered against the petitioner.

Notice of motion.

On asking of the Court, Mr. Himmat Singh, DAG, Haryana accepts notice on behalf of respondent No.1-State and could not dispute the factual position.

After hearing learned counsel for the parties and considering the aforesaid facts and circumstances of the case, this petition is allowed and the impugned order dated 04.12.2019, declaring the petitioner as proclaimed person, is set aside.

[ARVIND SINGH SANGWAN]
JUDGE

16.11.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No