

CRM-M-2740-2023

Date of Decision: 18.01.2023

Kushagr Ansal

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ashish Verma, Advocate for
Mr. Vaibhav Chaudhary, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

The petitioner has approached this Court impugning the order dated 07.12.2022 passed by the learned Judicial Magistrate Ist Class, Kalka, whereby, the petitioner has been declared as proclaimed person in a complaint case bearing No.NACT 196 of 2018 pertaining to Section 138 of Negotiable Instruments Act, 1881 read with Section 420 IPC and all the subsequent proceedings arising therefrom.

After arguing for some time, learned counsel for the petitioner has submitted that though the order is revisable, however, there are every chances of amicable settlement between the parties. He submits that the petitioner has already paid Rs.43 lacs and Rs.31 lacs remain to be paid to the complainant. He further submits that the parties are ready to settle the dispute amicably.

Notice of motion.

On asking of the Court, Mr. B.S. Virk, Deputy Advocate General, Haryana accepts notice on behalf of the State.

Heard.

After hearing learned counsel for the parties, this Court is of the view that the present petition can be disposed of without issuing notice to respondent No.2 as resorting to that process will result in wastage of time. So

keeping in view the abovesaid contentions, the present petition is disposed of and the order dated 07.12.2022 is set aside subject to payment of Rs.50,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner. In case, the petitioner appears and surrenders before the Court concerned within a period of 7 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would consider and decide the same within three days thereafter in accordance with law. The petitioner will have protection from arrest for a period of 7 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 07.12.2022 would come in force.

18.01.2023
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No