

112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7335-2023

Date of decision : 13.02.2023

Deans Infratech Pvt. Ltd. through its Managing DirectorPetitioner

versus

State of Haryana and another Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Maan Akashdeep Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing/setting aside the order dated 16.11.2022 passed by Sub Divisional Judicial Magistrate (SDJM), Safidon in Complaint No.NACT/241/2017 dated 17.07.2017, under Section 138 read with Section 141 of Negotiable Instruments Act, 1881.

It has been contended by counsel for the petitioner that the petitioner was falsely implicated in this case. He submits that the petitioner has been regularly appearing through counsel before the trial Court and thereafter, he went abroad and proceedings under Section 82 and 83 Cr.P.C. were initiated against him and he has been declared proclaimed offender vide order dated 16.11.2022. He submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail.

Notice of motion to official respondents only.

On asking of the Court, Mr. B.S. Virk, DAG, Haryana accepts notice on behalf of the respondent-State.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly declared the petitioner as proclaimed person vide order dated 16.11.2022 as he had failed to appear before the Court.

After hearing counsel for the petitioner and perusing the record, it

is apparent that the petitioner has no criminal antecedents but failed to appear

before the Court on the date fixed. Now he is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 16.11.2022 is *set aside* subject to payment of Rs.35,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner in one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would decide the same in accordance with law. He will have protection from arrest for a period of 10 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 16.11.2022 would come in force.

13.02.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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