

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

CRM-M-10455-2023

Date of decision : 28.02.2023

Mahender

.....Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Karan Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing the impugned order dated 29.10.2022 passed by learned JMIC, Narwana under Section 138 read with Sections 141 & 142 of Negotiable Instruments Act vide which the petitioner has been declared as proclaimed person.

Learned counsel for the petitioner has submitted that as the address of the petitioner in complaint was given of his Village Khanda, District Jind, whereas, he is driver at Gurugram and resides in a shared accommodation and normally remains out of the village, notice could not be brought to his knowledge and he never appeared before the learned trial Court and join the proceedings in the above-said FIR and as a result thereof, he was declared proclaimed person. He submits that the petitioner is ready to join the proceedings and contest the FIR on merit.

Notice of motion.

On asking of the Court, Mr. Mr. Karunesh Kaushal, AAG, Punjab accepts notice on behalf of the State.

Learned State counsel has opposed the submissions made by

learned counsel for the petitioner and has submitted that the trial Court

has rightly declared the petitioner as a proclaimed person as he did not appear before it.

Heard.

After hearing learned counsel for the parties and the fact, 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 and the fact that the petitioner is ready to join the proceedings, the present petition is disposed of subject to payment of Rs.15,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within a week. In case, the petitioner appears and surrenders before the trial Court concerned within a period of 10 days from today and produce receipt of abovesaid costs and files an appropriate application for bail, the Court concerned would consider and decide the same within three days thereafter 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 29.10.2022 would come in force.

28.02.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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