

125 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:081155
CRM-M-28921-2023
Date of Decision: June 02, 2023

Ashish Aggarwal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

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

DEEPAK GUPTA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is to quash the order dated 13.03.2023 (Annexure P-17) passed by learned Judicial Magistrate 1st Class, Gurugram, in a complaint case bearing NACT No.6790 of 2018, titled as “*M/s. India Infoline Housing Finance Limited v. Ashish Aggarwal*” (Annexure P-1) under Section 25 read with Section 27 of the Payment and Settlement Systems Act, 2007 read with Section 357 Cr.P.C., vide which petitioner was declared proclaimed person.

Learned counsel for the petitioner has drawn attention of this Court towards various orders passed by the Trial Court right from the stage of summoning, so as to contend that petitioner was not served even once. Attention is also drawn towards report of the serving constable (Annexure P-18), as per which when for compliance of the warrants, he went to the given address of the petitioner, no information could be found.

Apart from above, learned counsel for the petitioner has also drawn attention towards the details of loan account of the petitioner, revealing that the loan had already been cleared and nothing was outstanding.

Present petition is hereby disposed of with a direction to the petitioner to surrender before the Trial Court on or before 15.07.2023. On his such appearance, the Trial court shall admit the petitioner to bail. The Trial Court is directed to revive the proceedings, in case the complaint in question has already been consigned. If in the meantime, petitioner is sought to be arrested on account of his having been declared as proclaimed person, he shall be admitted to interim bail to the satisfaction of the Arresting Officer.

Disposed of.

June 02, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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