

CRM-M-30837-2023
DECIDED ON: 21.06.2023

.....PETITIONER

....RESPONDENTS

Present: Mr. Krishan Singh, Advocate
for the petitioner.

1. The prayer in the present petition is for setting aside the order dated 25.04.2023 (Annexure P-5) vide which proclamation was issued against the petitioner for 31.05.2023 and the order dated 31.05.2023 (Annexure P-6) vide which the case has now been posted for 01.07.2023 for presence of the present petitioner.

2. Learned counsel for the petitioner submits that the petitioner is willing to submit to the jurisdiction of the trial Court but apprehends that the petitioner shall be arrested since non-bailable warrants were being issued to procure his presence.

3. The apprehension expressed by learned counsel for the petitioner is unfounded since a proclamation under Section 82 of the Code of Criminal Procedure has been issued to procure his presence and the purpose of the same is only to procure the presence of the petitioner. The offence under Section 138 of the Negotiable Instruments Act is a bailable offence.

In view of the same, the petitioner would be at liberty to appear before the trial Court on or before 01.07.2023. However, to put at rest the apprehension, it is ordered that no non-bailable warrants shall be executed against the petitioner till 01.07.2023. Accordingly, the present petition is disposed of.

21.06.2023
Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

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