

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

CRM-M-1336-2023

Date of Decision: 11.01.2023

Kewal Krishan Arora

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Dheeraj Narula, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing of order dated 11.10.2018 passed by learned JMIC, Ellenabad in complaint bearing No.NACT-372-2017 dated 10.07.2017 under Section 138 of the Negotiable Instruments Act, 1881 titled as Om Parkash Gagneja vs. Kewal Krishan Arora, vide which, the petitioner was declared proclaimed person and file was ordered to be consigned to the record room.

Learned counsel for the petitioner has submitted that the petitioner was not properly served and as such he could not appear before the Court below and join the proceedings in a complaint filed by respondent No.2 under Section 138 of the Negotiable Instruments Act and as a result thereof, he was declared proclaimed person. He submits that the petitioner is ready to join the proceedings and contest the complaint on merit.

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 11.10.2018 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 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. He will have protection from arrest for a period of 7 days from today.

Needles 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 11.10.2018 would come in force.

11.01.2023
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No