

2024:PHHC:054466

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

127

CRM-M-19794-2024
Date of Decision : April 23, 2024

NAFE SINGH

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Y.Attri, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, prayer is made for quashing/setting aside the order dated 21.3.2024 passed in CRA No.23 of 2018, dated 15.1.2018, passed by the learned Additional Sessions Judge, Kaithal, whereby, the petitioner has been declared as a proclaimed offender in Criminal Case No.169/CIS No.734 dated 1.12.2014, titled as “M/s Malik Group of Companies through its proprietor Vs. M/s Abhishek Poultry Farm” in a statutory appeal preferred by the petitioner being convicted in a private complaint under Section 138 of the Negotiable Instruments Act.
2. Learned counsel for the petitioner in the asking for the relief, submits that though there is no illegality in the order (supra), declaring the present petitioner as a proclaimed offender for the reason that he has not caused appearance before the Court concerned, because he was not able to pay 20% of the compensation amount. He further submits that the

petitioner is now ready and willing to pay 20% of the compensation amount in case an adequate protection is granted to him.

3. In view of the above, the petitioner is directed to appear before the learned trial Court concerned within 15 days from today and also deposit 20% of the compensation amount as fixed by learned Appellate Court concerned vide order dated 10.7.2023 (Annexure P-2). In case the petitioner surrenders before the learned trial Court concerned, within the prescribed time period and move an application for suspension of sentence alongwith 20% of the compensation amount, the learned Appellate Court shall decide the bail application on its own merit. Till then the arrest of the petitioner shall remain stayed.

4. **Disposed of** accordingly.

5. In case, the petitioner fails to appear before the learned trial Court concerned within 15 days from today, the interim protection shall be deemed to be *ipso-facto* vacated without any further reference to this Court.

April 23, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No