

2024:PHHC:062630



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

**149 CRM-M-22683-2024
DATE OF DECISION: 06.05.2024**

HARBANS LAL

...PETITIONER

Versus

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vikas Kumar Gupta, Advocate for the petitioner(s).
Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for seeking quashing/setting aside of the order dated 12.02.2024 whereby the petitioner has been declared as proclaimed person.

Learned counsel for the petitioner submits the petitioner was never served in the complaint, therefore, he was ignorant about the proceedings initiated against him under Section 138 of NI Act. As a result, proclamation proceedings were initiated against the petitioner. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion. On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not

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averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of three days from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10000/- to be deposited with the Punjab and Haryana High Court Bar Clerk Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

06.05.2024
anuradha

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