

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.764 of 2023

Date of Decision: 26.07.2023

Veena Saini

....Petitioner

Versus

Punjab National Bank and others

...Respondents

Coram

Hon'ble Mr. Justice Sushil Kukreja, Judge

Whether approved for reporting?¹

For the petitioner : Mr. Onkar Jairath, Advocate.

For the respondents : Mr. Arvind Sharma, Advocate,
for respondent No.1.

Sushil Kukreja, Judge (Oral)

By way of instant petition filed under Section 482 of the Code of Criminal Procedure (Cr.P.C.), a prayer has been made to quash order dated 05.09.2022 (Annexure P-1), passed by the learned Chief Judicial Magistrate, Una, District Una, H.P., in Complaint No.78 of 2016, titled *Punjab*

¹ Whether reporters of Local Papers may be allowed to see the judgment?

National Bank Vs. Dunlop Auto Tyres (P) Ltd, under Section 138 of the Negotiable Instruments Act.

2. Perusal of the aforesaid order dated 05.09.2022 (Annexure P-1) suggests that on account of the non-appearance of the petitioner-accused as well as respondents No.2 & 3-accused persons, they were declared proclaimed offenders by the learned trial Court and it was ordered that the proceedings against the accused persons shall be revived as and when the accused persons are apprehended and produced before the trial Court.

3. Mr. Onkar Jairath, learned counsel for the petitioner, undertakes that the petitioner will surrender/appear before the trial Court on or before 17.08.2023, but submitted that till that date, she may not be arrested.

4. Mr. J.K. Sharma, learned Additional Advocate General, undertakes that in case the petitioner surrenders before the Court below till 17.08.2023, she will not be arrested by the police.

5. I have heard the learned counsel for the petitioner as well as the learned counsel for respondent No.1 and also gone through the material available on record.

6. The petitioner has undertaken to appear before the learned trial Court on each and every date of hearing and also that she shall abide by all terms and conditions so imposed by this Court, in case interim protection is granted to her.

7. Therefore, without advertting to the merits of the case, the present petition is disposed of, with a direction to the petitioner to surrender/appear before the Court below on or before 17.08.2023, failing which, the police shall be at liberty to arrest her in terms of the order passed by the Court below. However, it is clarified that petitioner shall not be arrested by the police till **17.08.2023**.

8. It is also made clear that in case the petitioner fails to surrender till 17.08.2023, as stated above, before the Court below, the interim protection granted by this Court shall automatically stand withdrawn, without any further reference to this Court.

The petition stands disposed of in above terms,
so also the pending miscellaneous application(s), if any.

July 26, 2023
(VH)

(Sushil Kukreja)
Judge