

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CNR No: PHHC011443542026

2026:PHHC:123450



(142)

CRM-M-49333-2026 (O&M)

Date of Decision: 02.09.2026

Parteek Bansal

.....PETITIONER

Versus

State of Haryana and another

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present: Mr. Narinder Sinder, Advocate
for the petitioner.

Mr. Sushil Bhardwaj, Addl. A.G., Haryana

NEERJA K. KALSON, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 24.12.2024 (Annexure P-1) passed by learned Judicial Magistrate 1st Class, Panchkula, whereby the petitioner has been declared as a proclaimed person in Complaint No. NACT-58-2022 under Section 138 of the Negotiable Instruments Act, 1881 and further proceedings initiated pursuant thereto, including proceedings under Section 83 Cr.P.C.
2. It has been contended by learned counsel for the petitioner that the petitioner is ready to surrender before the learned Trial Court and is also ready to pay the cheque amount to respondent No.2, but respondent No.2 has failed to respond and has been avoiding the matter on one pretext or the other. He further submits that the main reason for declaring the petitioner as a proclaimed person was a matrimonial dispute between the petitioner with his wife. He submits that, due to unavoidable circumstances, the petitioner could

not put in appearance before the learned Trial Court and seeks liberty to place on record the divorce papers, if so directed or desired by this Court. He further submits that the impugned order dated 24.12.2024 has been passed without due compliance of the mandatory provisions of Section 82 Cr.P.C. and that the petitioner is ready to appear before the learned Trial Court and face the proceedings in accordance with law.

3. Notice of motion.

4. Mr. Sushil Bhardwaj, Addl. A.G., Haryana, who is present in Court accepts notice on behalf of the respondent No.1-State.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to non-appearance of the petitioner, proclamation proceedings were initiated against him and the petitioner was thereafter declared as a proclaimed person vide order dated 24.12.2024. The Court without going into the authenticity of the ground taken for the absence of the petitioner, deems it appropriate to direct the petitioner to appear before the Court concerned and to face the proceedings, if any, in accordance with law. In these circumstances, when the petitioner is ready to appear before the Court and face the proceedings, the order dated 24.12.2024, is set aside, subject to deposit of costs of **Rs.30,000/-** with the complainant-respondent No.2 by the petitioner within a period of seven days from the date of receipt of copy of this order.

6. The petitioner is directed to appear before the trial Court within a period of ten days from the date of receipt of copy of this order and file an appropriate application alongwith receipt of costs of Rs.30,000/-. The trial Court shall thereafter pass appropriate orders in accordance with law. The petitioner will have protection from arrest for a period of ten days from the

date of receipt of copy of this order. The trial Court remains at liberty to impose any reasonable condition it deems fit while conducting the proceedings.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 24.12.2024 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

9. Pending application(s), if any, shall also stand disposed of.

(NEERJA K. KALSON)
JUDGE

02.09.2026
Atul

- | | | |
|----|---------------------------|--------|
| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |