

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

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CRM-M-37957-2019 (O & M)  
Date of Decision:09.09.2019

Prem Chand Aggarwal and another

...Petitioners

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Kartik Gupta, Advocate  
for the petitioners.

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**MANOJ BAJAJ, J.**

Petitioners namely Prem Chand Aggrwal and Harish Sharma have filed this petition under Section 482 Cr.P.C. to challenge the order dated 26.08.2019 whereby Judicial Magistrate Ist Class, Gurugram declared them as proclaimed persons in a criminal complaint No.11082 of 18.08.2017 titled as “Smt. Priyanka Yadav vs. M/s Omsfree Infraheights Private Limited and others” filed under Section 138 of Negotiable Instruments Act, 1881.

Learned counsel for the petitioners contends that pursuant to the summoning order dated 23.04.2018, the summons were served upon the petitioners and the case was fixed for 30.05.2018. On the said date, the Presiding Officer had availed summer vacations and resultantly, the case was adjourned to 23.08.2018. However, on 21.08.2018, the file was taken

up and the case was adjourned to 16.10.2018 as the Presiding Officer was to avail casual leave on 23.08.2018. Thereafter on 16.10.2018, the petitioners had moved an application for exemption from personal appearance through their counsel and the same was allowed for the said date. He submits that an undertaking was given by their counsel that the accused would appear on the next date. On the next date i.e. 20.11.2018, again the application was moved for exemption from personal appearance and the same was declined and the presence of the petitioners was ordered to be secured through non-bailable warrants.

A perusal of the zimni orders reveals that the petitioners, who were well aware of the proceedings deliberately kept themselves away as all the attempts of the Court to secure their presence through non-bailable warrants or proclamation proved to be futile and finally the Court was compelled to pass the order on 26.08.2019 declaring them proclaimed persons. It may be noticed that even on the said date, also the application for exemption was moved by the petitioners. The above sequence of events clearly indicate that the accused are well aware of these proceedings and are willfully not appearing. Therefore, this Court does not find any valid reason to interfere with the said order by invoking the inherent powers under Section 482 Cr.P.C.

Resultantly, petition stands dismissed.

09.09.2019

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**(MANOJ BAJAJ)**  
**JUDGE**

Whether Speaking/Reasoned: Yes/No  
Whether Reportable : Yes/No