

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

CRM-M-34166-2021

Date of decision : 13.10.2021

Sarish Mittal and another

.... Petitioners

Versus

Union Territory of Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rahul Rampal, Advocate
for the petitioners.

Mr. Kuldeep Tiwari, APP, U.T. Chandigarh.

(Through Video Conferencing)

Prayer in this petition is for seeking quashing of order declaring the petitioners as proclaimed offender. They have come before this Court under Section 482 Cr.P.C. Vide order dated 21.10.2015, the second respondent filed a complaint against the petitioners/accused under Sections 138, 141 and 142 of the Negotiable Instruments Act, 1881.

Vide impugned order dated 07.04.2021 (Annexure P-2), learned JMIC, Chandigarh (UID No. HR0368) declared the accused as proclaimed offender under Section 82 Cr.P.C. Challenging the said order, the petitioners filed the present petition on the grounds that they were not aware of the dates for appearance.

Without going into the final details, keeping in view the Covid-19 Pandemic and prevalent fear amongst the people coupled with the grounds of the petitions, no prejudice will be caused to the complainant in case the impugned order of proclamation is quashed and set aside.

Accordingly, this petition is allowed. The impugned order of proclamation is quashed and set aside subject to the condition that the petitioners shall put in appearance before the trial Court on 01.11.2021 at 10.00 a.m. and in case for any reasons, they could not appear on 01.11.2021, then they shall positively appear on 08.11.2021. It shall be recalling of the main order under Section 362 Cr.P.C.

(ANOOP CHITKARA)
JUDGE

13.10.2021
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No