



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

**CRM-M-27939-2024**

**Date of Decision : 29.05.2024**

**BALRAJ KUMAR DUREJA**

.....Petitioner

***VERSUS***

**RAJ SINGH**

.....Respondent

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Kunwar Ranjan, Advocate,  
for the petitioner.

**KULDEEP TIWARI, J.(Oral)**

1. The present petition has been filed seeking quashing of impugned order dated 06.05.2019 (Annexure P-34), whereby, the petitioner has been declared as a proclaimed person by the learned Judicial Magistrate Ist Class, Jalalabad (Fazilka), in Criminal Complaint bearing No.NACT/158/2016, dated 16.04.2016, filed under Section 138 of the Negotiable Instruments Act, 1881, alongwith all consequential proceedings arising therefrom.

2. In asking for the relief (*supra*), learned counsel for the petitioner submits that in fact, throughout the proceedings before the learned trial Court concerned, the petitioner was never served with the summons at his address, and he was not aware about the pendency of the

proceedings in the complaint (*supra*). Therefore, in gross violation of provisions of Section 82 of the Cr.P.C., the impugned order has been passed.

3. He further submits that the petitioner has no intention at all to avoid the proceedings which are pending before the learned trial Court concerned, rather, he is ready and willing to face the trial, and is ready to surrender before that court, in case adequate protection is granted to him.

4. Though the petitioner has made unsuccessful attempt to throw challenge to the impugned order (*supra*), however, considering his *bona fide* prayer that he is ready and willing to surrender before the learned trial Court concerned, and the fact that the offence for which the petitioner has been summoned is a bailable offence, without going into the legality or illegality of the impugned order (*supra*), whereby, the petitioner was declared a proclaimed offender, this Court directs the petitioner to surrender before the learned trial Court concerned within 20 days from today, and thereupon, make an application for grant of regular bail before that Court.

5. In case the petitioner surrenders before the learned trial Court concerned, within a stipulated time and moves a regular bail application, the same shall be decided by that court on the same day, in accordance with law.

6. In the meanwhile, the arrest of the petitioner shall remain stayed.

7.           However, in case, the petitioner fails to appear before the learned trial Court concerned within 20 days from today, the protection granted hereinabove, *qua* his arrest shall *ipso facto* vacated, without further reference to this Court.

8.           **Disposed of** accordingly.

**May 29, 2024**  
*dharamvir*

**(KULDEEP TIWARI)**  
**JUDGE**

Whether speaking/reasoned.   :    Yes/No  
Whether Reportable.           :    Yes/No