



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

CRM-M-35112-2024

Date of Decision: 25.07.2024

Nikhil Syal

...Petitioner

Versus

U.T. Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Ms. Harmanpreet Kaur, Advocate
for the petitioner.

Mr. Abhinav Gupta, Addl. PP, UT, Chandigarh.

GURBIR SINGH, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for quashing of the impugned order dated 31.03.2023 (Annexure P-19) passed by the Ld. JMIC, Chandigarh vide which the petitioner has been declared as proclaimed person in case bearing NACT No.6952 of 2019 titled as Akshay Kapoor Vs. Nikhil Syal dated 30.05.2019 under Section 138 of the Negotiable Instruments Act, 1881 along with all the subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner submits that initially the petitioner never appeared in the Court personally but once counsel appeared on his behalf before the Ld. trial Court but due to outbreak of Covid-19 case was adjourned many times. Thereafter, fresh notice was issued to the petitioner but he had not received the same as he was not residing at the given address. Lastly, on 08.02.2023 proclamation order was issued under Section 82 Cr.PC and on 31.03.2023 the impugned order (Annexure P-19) has been passed vide

which the petitioner was declared proclaimed person and proceedings under Section 83 Cr.PC were also initiated against him. He further submits that the petitioner is ready to appear before the Ld. trial Court.

- 3. Notice of motion.
- 4. Mr. Abhinav Gupta, Addl. PP, UT, Chandigarh accepts notice on behalf of the UT, Chandigarh.
- 5. Heard.
- 6. Keeping in view that offence is bailable but without commenting upon the merits of the case, the petitioner is directed to surrender before the concerned Court within a period of 10 days from today and move an application for bail explaining the reasons for his non-appearance and the said bail application be decided same day by the concerned Court subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh. The petitioner shall produce copy of receipt before the trial Court/Illaq Magistrate
- 7. Petition stands disposed of.

25.07.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No