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

CRM-M-39283-2024

Date of Decision: September 10, 2024

DEVENDRA KUMAR AGGARWAL**....Petitioner(s)****VERSUS****STATE OF HARYANA****....Respondent(s)****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Paramveer Singh, Advocate for
Ms. Tania Mahajan, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J.(ORAL)

This petition has been filed by the petitioner under Section 482 Cr.P.C. for quashing of the order dated 27.10.2023 (Annexure P-2) passed by Judicial Magistrate 1st Class, Rohtak declaring the petitioner as proclaimed person in NACT No.138 of 2020 titled as *Madhu Gupta vs. Devender Kumar Aggarwal* dated 17.01.2020.

Learned counsel for the petitioner submits that proclamation was never served upon the petitioner and therefore is a clear violation of Section 82 of Cr.P.C..

It is the case put forth by the petitioner that summons issued to petitioner were not served properly on him as it was served through other person and the same is evident from order dated 30.08.2022 (Annexure P-3).

Learned counsel for the petitioner undertakes that the petitioner will



surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of one week from today and file an application for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

This Court is also sanguine of the fact that delay on the part of the petitioner has been caused in the trial, therefore, the aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk Association, Chandigarh and a receipt of the same be produced before



the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

10.09.2024
Sangeeta

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