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

**CRM-M No.39881 of 2024
Date of decision : 14.08.2024**

Neeraj Kukreja and others**.....Petitioners****versus****UT of Chandigarh and another****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Kunal Vinayak, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying for quashing of impugned orders dated 03.04.2023 and 05.06.2023 (Annexures P-10 & P-11) passed by the Court of learned JMIC, Chandigarh whereby proclamation has been issued against the petitioners as well as for quashing of impugned order dated 29.08.2023 (Annexure P-12) also passed by the said Court whereby the petitioners have been declared as proclaimed persons in the complaint case bearing NACT/10188/2021 dated 23.12.2021 titled as “M/s Innovative Eyes v/s M/s Pegasi Spirits Pvt. Ltd.” under Section 138 of the Negotiable Instruments Act, 1881 and all subsequent proceedings arising therefrom. Further prayer has been made that operation of the impugned order dated 29.08.2023 (Annexure P-12) and further proceedings arising out of the said order may kindly be stayed during the pendency of the present petition.

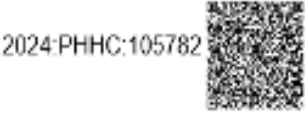
2. It has been submitted by counsel for the petitioners that the



petitioners were never served in the present case but the learned trial Court firstly issued theailable warrants and then issued nonailable warrants against the petitioners and ultimately declared them as proclaimed persons. He has further submitted that there is nothing on record to show that the petitioners have ever refused to accept the notice of the Court, however they could not appear before the trial Court as they were not having knowledge about the pendency of the complaint filed by the complainant against them. He has submitted that ultimately the petitioners were declared as proclaimed persons on 29.08.2023 and now the petitioners are ready to join the proceedings and face the trial in the said complaint and also undertake to abide by all the terms of bail, if granted by the Court.

3. Heard.

4. Behind their absence, the reason given by the petitioners is non service of notice of the Court. When they are now keen and ready to join the proceedings and face the trial, so this Court, without going into the contentions raised by learned counsel for the petitioners that the petitioners were never served with the notice or warrants issued by the Court, disposed of the present petition by setting aside the orders dated 03.04.2023 and 05.06.2023 (Annexures P-10 & P-11) and 29.08.2023 (Annexure P-12) subject to the payment of costs of Rs.50,000/- to be born equally by the petitioners to the complainant. In case, the petitioners appear and surrender before the Court concerned within a period of 15 days from today and files an application for bail alongwith costs of Rs.50,000/-, the Court concerned is directed to admit them to bail subject to its satisfaction and proceed with the trial in accordance with law. The



petitioners will have protection from arrest for a period of 15 days from today. It is also directed that the trial Court will issue notice to the complainant and pay the abovesaid cost of Rs.50,000/- to him forthwith.

5. Needless to say that in case the petitioner fails to comply with the abovesaid direction, they will have no benefit of abovesaid protection granted by this Court and orders under challenge would come in operation.

14.08.2024
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(RAJESH BHARDWAJ)
JUDGE

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