



CRM-M-46115-2024

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

CRM-M-46115-2024

Date of Decision: 15.10.2024

Ankit Chahal

..... Petitioner

Versus

State of UT, Chandigarh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gagandeep Singh Virk, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 06.04.2022, vide which the petitioner has been declared as proclaimed person in complaint under Section 138 of the NI Act in case bearing No.NACT/17153/2018 dated 04.09.2018 titled as Jaikar Singh Virk vs. Ankit Chahal, alongwith all consequential proceedings thereof.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that due to outbreak of Covid-19, the petitioner could not appear before the trial Court on various dates and on 23.09.2021, bail of the petitioner was cancelled and non-bailable warrants were issued against him. He has submitted that due to the wrong address given by the complainant, the warrants were not served upon the petitioner and he was declared proclaimed person vide order dated 06.04.2022 in violation of Section 82 Cr.P.C. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the petitioner is ready to appear before the trial Court and join the proceedings and abide by all the terms and condition, if any imposed by the Court, while



allowing him to join the proceedings.

3. Notice of motion.

4. Mr. Saravjit Singh, Addl. PP, UT Chandigarh, accepts notice on behalf of the State and has submitted that the petitioner was rightly declared as proclaimed person by the trial Court as he had failed to appear before the Court without any reasonable cause and thus, the present petition is liable to be dismissed.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is evident that petitioner was declared as proclaimed person on 06.04.2022 due to his non-appearance before the trial Court. However, now the petitioner is keen to join the proceedings and abide by all the conditions imposed by the Court. In these circumstances, when the petitioner is ready to join the proceedings and to face the proceedings, the order dated 06.04.2022 is set aside subject to payment of Rs.35,000/- as costs to be paid to the complainant by the petitioner within a period of ten days from today by depositing the same before the trial Court.

7. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith costs of Rs.35,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of ten days from today. The costs of Rs.35,000/- shall be paid to the complainant forthwith on his appearance before the trial Court.

6. Needless to say that in case the petitioner fails to comply with

the abovesaid direction, this order would be of no avail and the order dated 06.04.2022 will come in force and the present petition shall be deemed to have been dismissed. Petition stands allowed in abovesaid terms.

15.10.2024

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No