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

CRM-M-46215-2024

Date of Decision: September 17, 2024

MANJINDER SINGH

....Petitioner(s)

VERSUS**NIRMAL SINGH**

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Karan Bhardwaj, Advocate
for the petitioner.

SANDEEP MOUDGIL, J.(ORAL)

This petition has been filed by the petitioner under Section 528 BNSS, 2023 for quashing of order dated 28.02.2024 (Annexure P-5) passed by Judicial Magistrate 1st Class, Tarn Taran in complaint case bearing No.NACT-357-2021 registered on 31.08.2021 titled as *Nirmal Singh vs. Manjinder Singh* filed under Sections 138 and 142 of Negotiable Instruments Act, 1881 (Annexure P-3) vide which petitioner have been declared proclaimed offender as the order is in violation of mandate of Section 82 of Cr.P.C., 1973 and in violation of judgment '*Gajanand vs. State of Rajasthan* (2019) (2) CRI.CC.

Learned counsel for the petitioner contends that in a case of summoning arising out of complaint No.NACT-357-2021 under Sections 138 and 142 of Negotiable Instruments Act, 1881, he was never served neither any bailable/non-bailable warrants were ever issued but he came to



know that straightway he has been declared as proclaimed person in that case vide order dated 28.02.2024 (Annexure P-5).

Be that as it may, this Court deem it appropriate at this juncture to avoid any further delay before the proceedings of the trial Court which is a result of the absence of the petitioner may be on technical ground or on account of having no information qua the proceedings against him being carried out.

Service upon the respondents be waived off.

Considering the aforesaid reasons as argued by learned counsel for the petitioner to be bona fide, the absence before the trial Court is prima facie neither intentional nor deliberate as can be culled out by this Court in the light of sequence of events during the course of hearing.

In the light of above, order dated 28.02.2024 (Annexure P-5) being illegal and suffers from procedural lapse is hereby quashed.

However, the petitioner shall surrender before the trial Court within 10 days from today. In case, any such application for regular bail is moved by the petitioner-accused, the same may be considered and decided on that very date itself by the trial Court.

The petition is hereby allowed.

(SANDEEP MOUDGIL)
JUDGE

17.09.2024
Sangeeta

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