



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

**CRM-M-54975-2024
DECIDED ON: 06.11.2024**

JITENDER CHOPRA

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ajay Ghanghas, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 528 of BNSS Act, 2023 for setting aside the impugned order dated 19.08.2023 (Annexure P-4) passed by trial Court in complaint No.NACT/2220/2019 dated 30.09.2019 vide which the petitioner has been declared proclaimed person.
2. Learned counsel for the petitioner contends that the petitioner could not appear before the trial Court, since he had no knowledge about the pendency of complaint filed under Section 138 of Negotiable Instruments Act, 1881, as neither summons nor bailable/non-bailable warrants were served upon the petitioner, as is evident from the perusal of the orders dated 02.05.2023 & 31.05.2023 (Annexure P-1 collectively).
3. The attention of this Court has been drawn to derive strength to the aforesaid argument with the support an order dated 14.07.2023, wherein a statement of executing official has been recorded and inasmuch as proclamation issued against

the petitioner received back duly effected, but statutory period of 30 days did not lapse by that time and case was adjourned to 15.08.2023. 15.08.2023 is being a national holiday, the case was taken up on 19.08.2023 for the said purpose. The date 19.08.2023 was not known to the petitioner and as such due to lack of knowledge about the pendency ofailable/non-ailable warrants and proclamation, he could not appear and as a result, the FIR No.1195 dated 26.08.2023 has been registered under Section 174-A of IPC.

4. Be that as it may, without going further into the technicalities and the legality of the order qua fulfillment of essentials as envisaged under Section 84 Cr.P.C., once the petitioner is ready and willing to join the trial proceedings, as has been undertaken before this Court, this Court deem it appropriate to dispose of the petitioner at this stage itself.

5. The petitioner shall surrender before the trial Court within a period of 7 days from today and in case, he moves an application for regular bail on that day or any other subsequent date, same may be considered and decided in accordance with law preferably on that very day itself.

6. However, this Court is also sanguine of the fact that due to absence may be on account of the reasons, as has been detailed in the petition and submitted before this Court during the course of hearing, the fact remains that trial has been delayed unnecessarily in a complaint bearing No.NACT/2220/2019 dated 30.09.2019, under Section 138 of Negotiable Instruments Act, 1881 and on that account, the judicial process is not only withheld but the rights of the complainant have also been effected.

7. As a penalty for causing delay in the judicial process in the instant complainant, which is inordinate in nature ranging for more than 5 years as on date, he is penalized with a cost of Rs.20,000/-. The cost shall be deposited with the

Chandi Kusht Asshram Society, (account No.1445265900) (IFSC Code KKBK0004211), Kotak Mahindra Bank, Sector 46-C Chandigarh.

8. A copy of receipt qua the deposit of such cost shall be furnished before the trial Court at the time of surrender.
9. The petition stands disposed off, in the aforesaid terms.

06.11.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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