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

**CRM-M No.4967 of 2025  
Date of Decision: 11.02.2025**

**Sachin Mittal**

**..... Petitioner**

**Versus**

**State of Haryana**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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Present: Mr. Nitin Bhanwala, Advocate  
for the petitioner.

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**RAJESH BHARDWAJ, J. (ORAL)**

1. Present petition has been filed praying for setting aside the order passed by the learned Judicial Magistrate First Class, Karnal dated 12.08.2024 (Annexure P-2) arising out of case No. NACT-3340-2020, filed on 11.11.2020 in which the petitioner has been declared as a proclaimed person along with quashing of FIR No.377 (Annexure P-3), dated 29.08.2024, under Section 209 of BNS, 2023, registered at Karnal Civil Lines Police Station along with all consequential proceeding.

2. It has been submitted by learned counsel for the petitioner that the petitioner was prosecuted in the complaint filed under Section 138 of the Negotiable Instruments Act and he was granted bail as well. He has submitted that during the pendency of the trial, the petitioner was declared as proclaimed person vide impugned order dated 12.08.2024



passed by the learned Judicial Magistrate Ist Class, Karnal which is in violation of Sections 82 & 83 of Cr.P.C. He has submitted that the petitioner had duly surrendered before the learned trial Court on 29.10.2024 and was duly appearing before the learned trial Court. He has submitted that once the petitioner has joined the proceedings, then the impugned order does not survive. He has submitted that the impugned FIR bearing No.377, dated 29.08.2024 was also registered against the petitioner in which the proceedings are going on. He has further submitted that proclamation issued and the declaration of the petitioner was totally against the law settled and thus the same deserve to be set aside.

3. Notice of motion.

4. On the asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana accepts notice on behalf of the respondent-State. He on the other hand has contended that the petitioner was rightly declared as a proclaimed person and pursuant to which FIR No.377 dated 29.08.2024, under Section 209 of BNS, 2023, at Karnal Civil Lines Police Station was registered against the petitioner and the petitioner is liable to be prosecuted in the said case, as he had failed to appear in the Court despite orders.

5. I have heard counsel for the parties and perused the record.

6. It is apparent that the present FIR was registered due to non-appearance of the petitioner in a complaint case filed under Section 138 of the Negotiable Instruments Act and he was declared as a proclaimed



person in the proceedings under the Negotiable Instruments Act. The petitioner had duly surrendered before the trial Court and was regularly appearing before the trial Court. As the petitioner has joined the proceedings, the continuation of the proceedings under Section 209 of BNS, 2023 would not serve any purpose.

7. So, keeping in view the above-said facts and the law settled, continuation of the proceedings under Section 209 of BNS, 2023 shall be abuse of the process of the Court. Consequently, the present petition is disposed of and impugned order dated 12.08.2024 passed in Complaint Case bearing NACT-3340-2020 dated 11.11.2020 whereby the petitioner was declared as Proclaimed Person by the learned Judicial Magistrate Ist Class, Karnal along with all subsequent proceedings arising out of the same including the impugned FIR No.377, dated 29.08.2024, under Section 209 of BNS, 2023, registered at Karnal Civil Lines Police Station, are hereby quashed.

11.02.2025  
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(RAJESH BHARDWAJ)  
JUDGE

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