



CRM-M-11358-2025

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

CRM-M-11358-2025

Date of Decision: 28.02.2025

Vivek Gaur and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Mukul Gupta, Advocate, for the petitioners.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 22.12.2022 (Annexure P-1) passed by learned JMIC, Gurugram, whereby, the petitioners were declared as proclaimed persons and the complaint case No.NACT/18580-2017.

2. Learned counsel for the petitioners at the outset has submitted that he does not wish to press the present petition qua the prayer for quashing the aforesaid complaint and as such the be dismissed.

3. Ordered accordingly.

4. It has been contended by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case. He has submitted that the petitioners were prosecuted in a complaint case under Section 138 of the Negotiable Instruments Act, 1881. He submits that non-bailable warrants were repeatedly issued to the petitioners on the same addresses, where they were not residing, thus, they were finally declared as proclaimed persons vide impugned order dated 22.12.2022. He submits that the absence of the petitioners was not intentional and was beyond their control. He submits that now petitioners are keen to join the proceedings



and face the trial in the above said case and as such the order 22.12.2022 be set aside and they be allowed to be released during the pendency of the trial of the above said case.

5. Notice of motion to the official respondent only.

6. Mr. Tanuj Sharma, AAG, Haryana accepts notice on behalf of the State and has submitted that the petitioners have rightly been declared as proclaimed persons by the trial Court as they remained absent from Court for a long time.

7. After hearing learned counsel for the parties and perusing the record, it is evident that due to non-appearance of the petitioners, they were declared as proclaimed persons on 22.12.2022. The Court without going into the authenticity of the ground taken for the absence of the petitioners, deems it appropriate to direct them to appear before the Court concerned to face the trial in the present case, as now they are keen to join the proceedings and face the trial. In these circumstances, when the petitioners are ready to join the proceedings and face the trial, no useful purpose would be served by sending them behind the bars, therefore, the order dated 22.12.2022 is set aside subject to payment of Rs.25,000/- as costs to be paid by each of the petitioners within a period of ten days from today in the following manner:-

1. **Rs.25,000/-** to the Day Care Centre for Elderly Disabled in home for Old & Destitute People, Sector-15, Chandigarh by **petitioner No.1, Vivek Gaur.**
2. **Rs.25,000/-** to the Spinal Rehab Centre, Chandigarh, Plot No.1, Madhya Marg, Sector-28-A, Chandigarh by **petitioner No.2, Sandeep Sharma.**

8. The petitioners are directed to appear before the trial Court within a period of two weeks from today and file an appropriate application

alongwith receipt of costs of Rs.50,000/- and the trial Court would grant them bail till the disposal of the case on their furnishing bail/surety bonds subject to its satisfaction. The petitioners will have protection from arrest for a period of two weeks from today. The trial Court is free to impose any condition it likes on the petitioners while admitting them to bail.

9. Needless to say that in case the petitioners fail to comply with the abovesaid direction, this order would be of no avail to them and the order dated 22.12.2022 will come in force and the present petition shall be deemed to have been dismissed.

10. Petition stands disposed of in abovesaid terms.

28.02.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No