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

CRM-M-6096-2025

Date of decision : 19.02.2025

Dinesh Kumar**.....Petitioner****versus****State of Haryana and another****.....Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Jagmohan Ghumman, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing/setting aside of order dated 09.02.2022 (Annexure P-1) passed by learned Judicial Magistrate Ist Class, Jhajjar, vide which the present petitioner has been wrongly declared as a Proclaimed Offender in Criminal complaint No.COMA/277/2016 dated 10.10.2016, registered under Section 138 of Negotiable Instruments Act,

2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the impugned complaint under Section 138 of the Negotiable Instruments Act. He submits that without complying with the mandatory provisions, the petitioner was declared as a proclaimed offender vide impugned order dated 09.02.2022 (Annexure P-1). He submits that the petitioner was never served in the said case and the petitioner was under impression as he got through his counsel that he is no longer required in the present case. He submits that neither the summons nor any munadi was ever issued against the



petitioner. He submits that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail, if any imposed by this Court.

3. Notice of motion.

4. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana, accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly declared the petitioner as proclaimed offender, who remained absent on 09.02.2022 without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 09.02.2022 and he was declared as proclaimed offender. But now the petitioner is keen and ready to join the proceedings and face the trial, so without going into the contentions raised by learned counsel for the petitioner that the mandatory provisions of law have not been followed, this Court dispose of the present petition and the order dated 09.02.2022 is *set aside* subject to payment of Rs.25,000/- as costs to be paid to the **‘Day Care Centre for Elderly Disabled in home for old & Destitute People, Sector-15 Chandigarh’** by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.



7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 09.02.2022 would come in force and the present petition shall be deemed to have been dismissed.

19.02.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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