



144

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

**CRM-M No.7425 of 2025
Date of decision : 11.02.2025**

Sanjeev Kumar @ Sanjeev Kumar Sharma**.....Petitioner**

versus

Arjun Singh**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Rakesh Gupta, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of impugned order dated 20.11.2023 (Annexure P-10) passed by the learned Judicial Magistrate First Class, Yamuna Nagar at Jagadhari along with all consequential proceedings arising therefrom in a complaint under Section 138 of Negotiable Instruments Act, 1881 bearing No.NIA/1801/2018 titled as “Arjun Singh vs. Sanjeev Kumar” filed by the respondent-complainant, whereby the petitioner has been declared as proclaimed person. Further prayer has been made for granting one opportunity to the petitioner to appear before the learned trial Court to face the trial during the pendency of the present petition.

2. It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in the present complaint. He has submitted that the petitioner was prosecuted in complaint filed under

Section 138 of Negotiable Instruments Act. He has submitted that upon



notice, the petitioner appeared before the learned trial Court and was granted bail vide order dated 19.05.2023 and served with notice of accusation vide order dated 03.06.2023, to which he pleaded not guilty and claimed trial. He has submitted that the proclamation proceedings under Section 82 of Cr.P.C. was initiated against the petitioner. He has submitted that the complainant has filed another similar complaint pertaining to cheque No.186966 dated 20.04.2018 amounting to Rs.80,000/- in which the petitioner was convicted vide judgment dated 16.11.2023 and awarded the sentence to undergo simple imprisonment for a period of three months and to pay compensation of Rs.1 Lakh within one month vide order dated 17.11.2023. He has submitted that the petitioner, being aggrieved, has preferred an appeal before the learned Additional Sessions Judge, Yamuna Nagar at Jagadhari, in which due to ill health and unavoidable circumstances beyond control, the petitioner could not appear before the Court on 20.09.2024 and thus, his bail was cancelled and bail bonds were forfeited to the State. He has submitted that warrant of arrest against the petitioner has been issued vide order dated 20.09.2024. The petitioner has challenged the same by way of filing the petition. He has submitted that after serving the notice of accusation on 03.06.2023, the petitioner was regularly appearing before the learned trial Court except few dates against which, he moved appropriate applications seeking exemption from personal hearing as he was not in a position to appear. However due to the absence of the petitioner, the learned trial Court vide order dated 20.09.2024, cancelled the bail of the petitioner, bonds were forfeited to the State and issued warrant of arrest against the petitioner. He has submitted that again the petitioner remained absent and



thus, proclamation proceedings under Section 82 of Cr.P.C. was initiated vide order dated 05.10.2023. He has submitted that the petitioner was never served with any notice of proclamation. He has submitted that absence of the petitioner was bona fide and not intentional and he never misuse the concession of bail granted to him. He has further submitted that the matter has been amicably resolved between the parties by way of compromise and the petitioner is ready to appear before the learned trial Court and abide by the terms and conditions imposed upon him.

3. Notice of motion.

4. Mr. Arun Kumar Gupta, Advocate has appeared and filed his power of attorney on behalf of the respondent today in the Court and the same is taken on record. He has endorsed the contention raised by learned counsel for the petitioner that the matter has been amicably resolved between the parties by way of compromise.

5. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner was prosecuted in complaint under Section 138 of NI Act. However the petitioner remained absent as he was never served with any notice of proclamation under Section 82 of Cr.P.C. Without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceed to decide the matter as now the petitioner is ready and keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 20.11.2023 declaring the petitioner as proclaimed person is *set aside* subject to payment of Rs.10,000/- as costs to be paid to the Society for the Care of Blind, Sector 26, Chandigarh within a period of 07 days from today. In case the petitioner appears before the trial Court



and files appropriate application along with receipt of costs before the trial Court within a period of 10 days from today, the trial Court will admit him to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioner will have protection from arrest for a period of 10 days from today.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he have no benefit of this order and the order dated 20.11.2023 would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

11.02.2025
rittu

(RAJESH BHARDWAJ)
JUDGE

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