



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

**CRM-M-7885-2025 (O&M)
Date of decision : 11.02.2025**

Harpreet Singh

.....Petitioner

versus

Ram Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Amandeep Kaur, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

CRM-5677-2025

Allowed as prayed for.

Main case

1. Prayer in the present petition is for quashing of impugned order dated 25.10.2024 (Annexure P-6) passed by learned Judicial Magistrate Ist Class, Jagraon in complaint case bearing No.COMA/576/2020 dated 07.02.2020, registered under Section 138 of Negotiable Instruments Act, vide which the present petitioner has been declared as a Proclaimed Offender.

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 provisions of Section 82 Cr.P.C., petitioner was declared as a proclaimed offender vide impugned order dated 25.10.2024 (Annexure P-6). He submits that the petitioner was never served with the proclamation as the petitioner was not in India at the time of issuance of proclamation as he went abroad on 27.06.2024 and had



returned to India on 29.10.2024. He submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail, if any imposed by this Court.

3. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 25.10.2024 as he was not in India 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 provisions of Section 82 Cr.P.C. have not been followed, this Court dispose of the present petition and the impugned order dated 25.10.2024 is *set aside* subject to payment of Rs.10,000/- as costs to be paid to the **‘Punjab and Haryana High Court Bar Association’** 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.

4. 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 25.10.2024 would come in force and the present petition shall be deemed to have been dismissed.

(**RAJESH BHARDWAJ**)
JUDGE

11.02.2025

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