



CRM-M-12631-2025

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

CRM-M-12631-2025

Date of Decision: 20.05.2025

Niyaz Mohammad

..... Petitioner

Versus

Union Territory, Chandigarh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Azad Khan, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 21.02.2025 (Annexure P-1) passed by learned Judicial Magistrate First Class, Chandigarh, in a complaint under Section 138 of the Negotiable Instruments Act, 1881 titled as Mahindra & Mahindra Financial Service Ltd. vs. Niyaz Mohammad, whereby, the petitioner was declared as proclaimed person.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the present complaint. He submits that the petitioner was unaware of the proceedings initiated against him and even about the non-bailable warrants issued him and thus, he was declared proclaimed person by learned trial Court vide order dated 21.02.2025. He submits that the absence of the petitioner was totally unintentional and beyond his control. He submits that now petitioner is keen to join the proceedings and face the trial in the above said case and comply with the condition, if any imposed by the Court and as such the order dated 21.02.2025 to be set aside.



3. Notice of motion.

4. Mr. Sumit Jain, Addl. PP, UT, Chandigarh, accepts notice on behalf of the State and has submitted that learned trial Court has rightly declared the petitioner as proclaimed person as he intentionally not appeared before it.

5. After hearing learned counsel for the petitioner and perusing the record, it is evident that due to non-appearance of the petitioner, he was declared as proclaimed person on 21.02.2025. The Court without going into the authenticity of the ground taken for the absence of the petitioner, deems it appropriate to direct him to appear before the Court concerned to face the trial in the present case, as now he is keen to join the proceedings and face the trial. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, no useful purpose would be served by sending him behind the bars, therefore, the order dated 21.02.2025 is set aside subject to payment of Rs.10,000/- as costs to be paid by the petitioner to **Punjab and Haryana High Court Employees Welfare Association, Chandigarh** within a period of seven days from today

6. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs of Rs.10,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing bail/surety bonds subject to its satisfaction. The petitioner will have protection from arrest for a period of ten days from today. The trial Court is free to impose any condition it likes on the petitioner while admitting him to bail.

7. Needless to say that in case the petitioner fails to comply with

the abovesaid direction, this order would be of no avail to him and the order dated 21.02.2025 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

20.05.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No