



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

**CRM-M-14593-2025
DECIDED ON: 20.03.2025**

SUKHDEV SINGH

.....PETITIONER

VERSUS

M/S GURU NANAK IMPEX AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr. P.C. praying for quashing of the order dated 08.07.2024 (Annexure P-5) passed by the learned Judicial Magistrate 1st Class, Amritsar, vide which the present petitioner has been wrongly declared as Proclaimed person in complaint case No. NACT/ 3332 of 2015 dated 03.12.2015, which is now registered as Complaint No. NACT/ 802/2021 dated 04.02.2021, titled as "*M/s Guru Nanak Impex Vs. Sukhdev Singh*" under section 138 of Negotiable Instruments Act, pending before the Court of 1d. Judicial Magistrate Ist Class, Amritsar.

Learned counsel for the petitioner submits that the petitioner could not appear before the trial Court, as he changed his residence and never received any summon/bailable warrants/non-bailable warrants. Thereafter

petitioner has been declared as proclaimed person vide order dated 08.07.2024 (Annexure P-5).

He therefore, asserts that his absence before the Court below is neither intentional, nor deliberate, but due to circumstances which were beyond his control.

Learned counsel for the petitioner having instructions would submit before this Court that the petitioner is ready and willing to join the proceedings of appeal and will surrender before the Court below.

Be that as it may, without going further into the technicalities and the legality of the order qua fulfillment of essentials as envisaged under Section 83 Cr.P.C., once the petitioner is ready and willing to join the trial proceedings, as has been undertaken before this Court, this Court deem it appropriate to dispose of the petitioner at this stage itself.

The petitioner shall surrender before the trial Court within a period of 10 days from today and in case, he moves an application for regular bail on that day or any other subsequent date, same may be considered and decided in accordance with law preferably on that very day itself.

This Court is also sanguine of the fact that due to absence may be on account of the reasons, as has been detailed in the petition and submitted before this Court during the course of hearing, the fact remains that the judicial process have been delayed.

As a penalty for causing delay in the judicial process, the petitioner is penalized with a penalty of Rs.10,000/-, which shall be paid to the Punjab & Haryana High Court Employees Welfare Association, Chandigarh, a receipt of which shall be produced before the trial Court at the time of surrender.

The amount so deposited by the petitioner shall not be construed as cost for this order but penalty for stalling the court proceedings by evading himself from trial for a long time.

The petition stands disposed off in the aforesaid terms.

20.03.2025

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>