



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

137

**CRM-M-16012-2025(O&M)
Date of Decision: 24.03.2025**

MANISH KUMAR YADAV

....Petitioner

VERSUS

VISHAL RANA

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Bharat Bhushan, Advocate for the petitioner.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner for quashing of order dated 30.10.2024 passed by the learned Judicial Magistrate First Class, Panchkula in criminal complaint bearing CIS No:NACT-981-2022 titled as '*Vishal Rana Vs. Manish Kumar Yadav*', whereby proclamation proceedings have been ordered to be issued against him for 24.04.2025 by observing that his presence could not be secured through warrants.

2. It is *inter alia* contended by learned counsel for the petitioner that after passing of the summoning order, he never received any notice of the complaint till date. His address has not been correctly mentioned in the complaint. Now proclamation proceedings have been initiated against him which have not been in accordance with the mandate of Section 84 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*pari-materia* to Section 82(1) of Cr.P.C.). He is ready to join the proceedings before the learned trial Court and to abide by terms and conditions to be imposed upon him. Therefore, prayer has been made for allowing the present petition.



3. I have heard learned counsel for the petitioner and have gone through record carefully.

4. A perusal of impugned order reveals that the warrants of arrest issued against the petitioner have been received unexecuted with the report of intimation to his neighbour. The petitioner is not bail jumper. He is ready to join the proceedings before the learned trial Court and to abide by terms and conditions to be imposed upon him.

5. Keeping in view the above discussed circumstances, the instant petition is allowed and the impugned order dated 30.10.2024 is quashed with direction to the petitioner to surrender before the learned trial Court within a period of **15 days** from today and it is further ordered that on his surrender and on moving appropriate application, the learned trial Court shall admit him to bail subject to his furnishing personal as well as surety bonds to its satisfaction. However, this petition shall be deemed to be dismissed if the petitioner does not abide by this order.

Petition stands disposed of accordingly.

24.03.2025

Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. <i>Whether reportable</i> | <i>Yes/No</i> |