



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

274

CRM-M-20417-2025 (O & M)

Date of decision:01.12.2025

Monu Saini

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Himanshu Joshi, Advocate, for the petitioner.

Mr. Gautam Kaile, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 BNSS, 2023, for quashing the order dated 24.12.2024, Annexure P-2, passed by learned Judicial Magistrate 1st Class, Narnaul vide which the petitioner has been declared proclaimed person in complaint case bearing No. NACT-644/2020 under Section 138 of the Negotiable Instruments Act, 1881.

2. Learned counsel submits that no notice was served upon the petitioner at the address mentioned and no efforts have been made to produce the correct address. Even otherwise, he was admitted in Rehabilitation Centre at Ujala Foundation from 26.08.2024 to 03.03.2025, Annexure P-4. His non-appearance was neither intentional nor deliberate but due to the aforesaid bonafide reason. He is ready and willing to join the proceedings on or before the next date of hearing and prays for grant of one opportunity for him to surrender before the trial Court, even if the same is subject to costs.

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3. Learned State counsel submits that the proclamation proceedings have been rightly issued against the petitioner, as he had absented from the proceedings.

4. Heard.

5. The very purpose of issuance of warrants of arrest, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

6. This Court in CRM-M-36490-2022, titled as **Major Singh vs. State of Punjab**, decided on 15.09.2022, CRM-M-38277-2022, **Surjit Singh vs. State of Punjab**, dated 26.08.2022 and CRM-M-39000-2022, titled as **Raghav vs. State of Punjab**, decided on 09.09.2022, had set aside the orders of non-bailable warrants.

7. Considering the facts and circumstances of the case, judgments referred to hereinabove, the readiness and willingness of the petitioner to surrender and join the proceedings, which was incumbent upon him for the culmination of the same, the present petition deserves to be and is allowed, in the interest of justice, so as to facilitate expediting the trial and for taking it to its logical end.

8. As a consequence of the aforesaid, the impugned order dated 24.12.2024, Annexure P-2, is set aside and the petitioner is directed to surrender before the learned trial Court on or before 15.12.2025 and to pay Rs.15,000/- as costs to the complainant, whereupon, he be released on the same bail/surety bonds as had been furnished by him at the time of granting bail. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the

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learned trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

9. The present petition is accordingly allowed.

10. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

01.12.2025
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(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No