



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

CRM-M-20795-2025

Date of decision : 24.04.2025

Arwinder Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Deepak Kumar, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of impugned order dated 24.03.2025 (Annexure P-9) passed by learned Additional Chief Judicial Magistrate, Rupnagar vide which the petitioners were declared as proclaimed persons in Complaint case bearing No.NACT/248/2020 dated 19.08.2020, titled as '**Leena Verma Vs. Arwinder Singh**', registered under Section 138 of Negotiable Instruments Act, in an illegal and arbitrary manner without complying statutory provisions as envisaged under Section 82 Cr.P.C. Further prayer has been made for staying the operation of the impugned order dated 24.03.2025.

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 person vide impugned order dated 24.03.2025 (Annexure P-9). He further submits that petitioner was neither served with any ordinary service nor with any substituted service but merely on the presumption that he was intentionally avoiding the service,



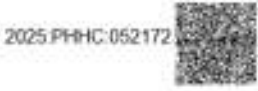
without adopting the proper procedure of law, issued proclamation against him and without completing the statutory period of 30 days from the date of publication of the proclamation, petitioner was declared as Proclaimed Person. He submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail, if any imposed by this Court.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. Tarun Aggarwal, Senior DAG, Punjab accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly issued initiated proclamation proceedings under Section 82 Cr.P.C. and declared him proclaimed person who remained absent on several dates without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 24.03.2025 allegedly on account of some protest against Jarnail Singh Bajwa, who was duped more than 10 crore of the petitioner, due to which he remained on the top of water tank for 02 months till 25.03.2025 and non-bailable warrants against him were issued, thereafter, proclamation proceedings under Section 82 Cr.P.C. were initiated against him and ultimately, he was declared as proclaimed person. 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 24.03.2025 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.

7. 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 24.03.2025 would come in force and the present petition shall be deemed to have been dismissed.

24.04.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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