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

CRM-M No.21287 of 2025

Date of Decision : 24.04.2025

Suresh Dalal

.....Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Pawan Attri, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of impugned order dated 22.12.2023 (Annexure P-1) as well as other subsequent proceedings arising therefrom, passed by the learned Sub Divisional Judicial Magistrate, Pehowa, District Kurukshetra in complaint CIS No.NACT-234 of 2019, dated 17.08.2019, vide which the petitioner declared as Proclaimed Person without following the proper procedure. Further prayer has been made for staying the operation of impugned order dated 22.12.2023 (Annexure P-1) during the pendency of the present petition.

2. It has been contended by learned counsel for the petitioner that the petitioner was prosecuted in a complaint under Section 138 of Negotiable Instruments Act. He has submitted that the petitioner was summoned by the learned trial Court, however the notice was never served upon the petitioner. He has further submitted that even the warrants



of arrests were never served upon the petitioner and the learned trial Court arbitrarily presumed and held that the petitioner is deliberately avoiding his presence before it and thus issued proclamation against him and ultimately vide impugned order dated 22.12.2023, the petitioner was declared as proclaimed person without following the proper procedure of law. He has further submitted that the petitioner is ready to surrender and face the trial. He has thus submitted that the petitioner be granted protection for appearing before the trial Court.

3. Notice of motion to official respondent No.1 at this stage.

4. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana appears and accepts notice on behalf of respondent No.1-State. He has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly declared the petitioner as proclaimed person who remained absent from the Court without any valid reason.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in complaint filed under Section 138 of Negotiable Instruments Act. However the petitioner remained absent as he was never served with any notice of proclamation under Section 82 of Cr.P.C. and thereafter he was declared as proclaimed person. As submitted by learned counsel for the petitioner that the petitioner is ready to surrender before the Court and face the trial. Without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceeds to decide the matter as now the petitioner is ready and keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated



22.12.2023 declaring the petitioner as proclaimed person is *set aside* subject to payment of Rs.20,000/- as costs to be paid to the Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15, Chandigarh within a period of 07 days from today. The petitioner is directed to appear before the trial Court within a period of 10 days from today and files appropriate application along with receipt of deposit of above-said costs then the trial Court will admit him to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioner will have protection from arrest for a period of 10 days from today.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, then he would not get benefit of this order and the order dated 22.12.2023 would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

24.04.2025
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(RAJESH BHARDWAJ)
JUDGE

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