

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

**CRM-M No.23328 of 2025
Date of decision: 01.05.2025**

Joginder Kaur and AnotherPetitioners

Versus

Axis Bank Ltd. and AnotherRespondents

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL

Present: Mr. Vishal Sharma (Vasudeva), Advocate for the petitioners.

H.S. GREWAL J.

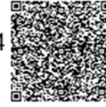
1. The petitioners are seeking quashing of order of proclamation dated 19.02.2024 (Annexure P-3) passed by learned Chief Judicial Magistrate, Ludhiana whereby the petitioners have been declared proclaimed persons in complaint case bearing number 12525/2016 dated 06.12.2016 under Section 138 of Negotiable Instruments Act, 1881.

2. Learned counsel for the petitioner contends that the petitioners were facing proceedings under Section 138 of Negotiable Instruments Act, 1881 on the account of default in payment of loan amount. However, they absconded from joining the trial proceedings mid way and were declared as proclaimed persons vide impugned order dated 19.02.2024.

3. Notice of motion.

4. On the asking of the Court, Mr. D.K. Singal, Advocate, accepts notice behalf of the respondent No.1.

5. Learned counsel for the petitioners, on instructions submits that the petitioners undertake to appear before the trial Court concerned on each and every date and shall not seek any exemption for their personal appearance on any date of hearing before the trial Court. Hence, in the aforementioned facts and



circumstances, the petitioners pray that directions be issued to the Trial Court concerned that their bail applications, which they would be filing on their surrender, be decided expeditiously.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. In view of the above, the instant petition is allowed and impugned order dated 19.02.2024 (Annexure P-3) passed by learned Chief Judicial Magistrate, Ludhiana in complaint case bearing number 12525/2016 dated 06.12.2016 under Section 138 of Negotiable Instruments Act, 1881, is set aside, subject to the condition that the petitioners shall appear and move an application for bail before the trial Court concerned within a period 07 days from today and the concerned Court shall release the petitioners on bail on the same day, subject to their furnishing bail bonds/ surety bonds to its satisfaction and imposing reasonable conditions as it may deem appropriate in the background of the petitioners-accused conduct.

6. It is made clear that in case, the petitioners fail to surrender before the Court concerned within 07 days from today, this order shall be of no avail to them, thereafter.

01st May, 2025

Sonia Puri

**(H.S. GREWAL)
JUDGE**

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