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

**CRM-M-24147-2025
DECIDED ON: 05.05.2025**

KARAN JAIN**.....PETITIONER**

VERSUS

UT OF CHANDIGARH AND ANR**.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Rahul Soi, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 BNSS seeking quashing of the order dated 22.08.2023 (Annexure P-6) passed by Judicial Magistrate 1st Class, Chandigarh in complaint case bearing No.NACT-8907-2019 under Section 138 of Negotiable Instruments Act titled as “Aadhar Housing Finance vs. Karan Jain” vide which the petitioner has been declared as proclaimed person.

Learned counsel for the petitioner submits that the petitioner had been regularly appearing before the trial Court; however, on 09.03.2023, he was unable to attend due to ill health. He had instructed his counsel to move an application for exemption from personal appearance, but the counsel failed to do so. Consequently, the trial Court cancelled the bail bonds of the petitioner and issued non-bailable warrants for 08.05.2023. As the non-bailable warrants issued on 09.03.2023 were not received back, the trial Court, vide order dated 08.05.2023, issued fresh non-bailable warrants for 05.07.2023. These too remained unexecuted, and thereafter, the petitioner was declared a proclaimed person vide order dated 22.08.2023 (Annexure P-6).

Learned counsel for the petitioner though at the outset without contesting the order dated 22.08.2023 (Annexure P-6) on merits undertakes to join the trial proceedings within ten days.

Notice of motion.

Mr. Shubham Mangla, Addl. PP. UT Chandigarh, accepts notice on behalf of respondent/State and not averse to the undertaking given on behalf of the petitioner.

Without addressing the merits of the case or the legality of the order, as the same has not been contested by the learned counsel for the petitioner, who has voluntarily agreed to join the proceedings before the trial court and to pay a penalty of Rs. 10,000/- to the Punjab & Haryana High Court Bar Clerk's Association for causing unwarranted delay in the trial proceedings, the order dated 22.08.2023 (Annexure P-6) is hereby set aside.

However, the aforesaid order would be subject to fulfillment of undertaking given before this Court on behalf of the petitioner that he will surrender before the trial Court within ten days. If any application seeking bail is moved by the petitioner, the same be considered by the Court below preferably on that very day in accordance with law.

The amount so deposited by the petitioner shall not be construed as cost for this order but penalty for stalling the court proceedings by evading himself from trial for a long time.

The petition stands disposed off in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

05.05.2025

Meenu

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*