



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

**CRM-M-24983-2025
DECIDED ON: 14.05.2025**

DHRUV GARG

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Meena Bansal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 BNSS seeking quashing of the impugned order dated 26.04.2016 (Annexure P-2) vide which petitioner has been declared as proclaimed person in complaint bearing no. 1073 of 2015 dated 28.10.2015 before the court of Sub Divisional Magistrate, Nabha filed under Sections 138/142 of Negotiable Instrument Act & Sections 415/420 of IPC at Police Station Kotwali Nabha (Annexure P-1), wherein petitioner never received the summons from the court of JMIC, Nabha as petitioner already moved to Guwahati.

Learned counsel for the petitioner contends that the petitioner could not appear before the trial Court under the wrong surmises believing that once the matter has been settled amicably between the parties to the present lis, he is not required to face trial proceedings and on that account,

was recorded as absent and finally declared proclaimed person vide order dated 26.04.2016 (Annexure P-2).

He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, Mr. Jasjit Singh Rattu, DAG, Punjab accepts notice on behalf of the respondent-State and Mr. Ramesh Sharma, Advocate has put in appearance on behalf of respondent No.2, who are not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

In view of the above, the order dated 26.04.2016 (Annexure P-2) is hereby set aside with a direction to the petitioner to surrender before the trial Court within a period of 10 days from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

There is no denial to the fact that due to petitioner's act, delay has occurred in trial proceedings and has caused prejudice to the other side and to compensate the delay which is caused by the petitioner alone, he is directed to deposit costs of Rs.15,000/- with the Punjab and Haryana High Court Bar Association and a receipt of the same be produced before the trial

Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day.

The instant petition is disposed of in the aforesaid terms.

14.05.2025
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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