



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

**CRM-M-28618-2025
DECIDED ON: 23.05.2025**

SOM DUTT ALIAS PUNEET

.....PETITIONER

VERSUS

STATE OF UT CHANDIGARH AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Prince Srangal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of the Bhartiya Nagarik Suraksha Sanhita for quashing of Impugned order dated 05.05.2025 passed in complaint under section 138 NI Act complaint NO. NACT -1039-2024 titled as Manoj Kumar versus Som Dutt @ Puneet (Annexure P/1) vide which the present petitioner declared proclaimed offender.

Learned counsel for the petitioner submits that the notice was never served on the petitioner, as he did not receive any summons or notice for appearance because he was not residing at the address mentioned in the complaint/notice at the relevant time. However, the Learned JMJC, Chandigarh, vide order dated 20.09.2024 (Annexure P-4) issued bailable warrants of arrest against the petitioner in the sum of Rs. 5,000/- with one surety of the like amount for 28.10.2024. Subsequently, on 03.03.2025, the Learned Trial Court issued a proclamation under Section 82 of the Cr.P.C. against the petitioner without directing the petitioner to provide his correct

or alternate address. The order dated 03.03.2025 itself acknowledges that the non-bailable warrant issued against the petitioner was returned unexecuted, and that multiple processes issued against him were received back unserved again and again, which clearly indicates that the petitioner has never been properly served. Furthermore, the trial Court has passed the order dated 05.05.2025 without following the due legal procedure vide which the petitioner has been declared proclaimed person.

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. Balram Singh, Addl. P.P., U.T., Chandigarh accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

In view of the above, the petitioner is directed 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 compensated penalty of Rs.20,000/- with Punjab and Haryana High Court Bar Clerks 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.

(SANDEEP MOUDGIL)
JUDGE

23.05.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No