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

CRM-M-29704-2025

Date of decision : 28.05.2025

Surjit Singh**.....Petitioner****versus****State of Punjab and another****.....Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Sukhbir Maandi, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 26.09.2023 (Annexure P-5) passed by learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar arising out of Complaint bearing No.NACT 114/2019, instituted on 26.07.2019 titled as '*Faqir Singh Vs. Surjit Singh*', under Section 138 of Negotiable Instruments Act, 1881, vide which the petitioner was declared a Proclaimed Person. Further prayer has been made for staying the operation of impugned order dated 26.09.2023.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the impugned complaint under Section 138 of the Negotiable Instruments Act. He submits that without complying with the mandatory provisions of Section 82 Cr.P.C., the petitioner was declared as a proclaimed person vide impugned order dated 26.09.2023 (Annexure P-5). He submits that neither the summons nor any munadi was ever issued against the petitioner. He submits that the



non-appearance of the petitioner was not intentional and the petitioner is ready to join the proceedings and abide by the terms and conditions of bail, if any imposed by this Court.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Addl.A.G., Punjab accepts notice on behalf of the respondent-State.

5. Learned State counsel 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 despite orders, without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent despite orders and he was declared as proclaimed person. But now the petitioner is keen and ready to join the proceedings and face the trial, so without going into the contentions raised by learned counsel for the petitioner that the mandatory provisions of law have not been followed, this Court dispose of the present petition and the order dated 26.09.2023 is *set aside* subject to payment of Rs.10,000/- as costs to be paid to the **‘Day Care Centre for Elderly Disabled in home for old & Destitute People, Sector-15 Chandigarh’** by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.



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7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 26.09.2023 would come in force and the present petition shall be deemed to have been dismissed.

28.05.2025

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(RAJESH BHARDWAJ)
JUDGE

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