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

CRM-M-34282-2025

Date of decision : 07.07.2025

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

Present :- Mr. Lovish Arora, Advocate  
for the petitioner.

**RAJESH BHARDWAJ, J. (Oral)**

1. Prayer in the present petition has been made for quashing of order dated 31.07.2024 (Annexure P-11) passed by learned Judicial Magistrate Ist Class, Moga, vide which the petitioner was declared as proclaimed person in case in case NACT/294/2022 titled as 'M/s Dharam Pal Ranjit Kumar Vs. Beant Singh' pending before the Court of Ld. JMIC, Moga and all consequential proceedings arising therefrom. Further prayer has been made for staying the operation and implementation of the order dated 31.07.2024 (Annexure P-11).

2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the complaint filed under Section 138 of NI Act. He submits that without complying with the provisions of Section 82 Cr.P.C., petitioner was declared as a proclaimed person vide impugned order dated 31.07.2024 (Annexure P-11). He submits that the petitioner was never served with the proclamation as the petitioner was not in India at the time of issuance of proclamation as he went abroad on 12.09.2023 and had returned to India on 11.03.2025. He further submits that the petitioner was never served with any ordinary



service nor with any substituted service as he was not in India at that time. He has further submitted that there is nothing on record to show that the petitioner ever refused to accept the notice of the Court or remained away from the Court intentionally. He has submitted that 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 to official respondent only.

4. On asking of the Court, Mr. J.S. Arora, D.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 initiated proclamation proceedings under Section 82 Cr.P.C. and declared him proclaimed person who remained absent despite orders.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent despite orders because of the reason that he was not in India and proclamation proceedings under Section 82 Cr.P.C. were initiated against him and ultimately, 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 provisions of Section 82 Cr.P.C. have not been followed, this Court dispose of the present petition and the impugned order dated 31.07.2024 is *set aside* subject to payment of Rs.25,000/- as costs to be paid to the **‘Punjab and Haryana High Court Bar Association’** 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.

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 31.07.2024 would come in force and the present petition shall be deemed to have been dismissed.

07.07.2025  
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( RAJESH BHARDWAJ )  
JUDGE

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