



142

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

CRM-M-38754-2025

Date of Decision: 22.07.2025

Manjeet Singh Panwar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vishal Sharma, Advocate and
Mr. Himanshu Rao, Advocate and
Mr. S.S. Aviraj, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Prayer in the present petition is for quashing of impugned order dated 04.06.2025 (Annexure P-1) passed by the Court of learned Judicial Magistrate Ist Class, Narnaul, District Mahendergarh, whereby the petitioner has been declared as proclaimed person in a complaint case under Section 138/142 of the Negotiable Instruments Act, 1881, bearing NACT/909/2022 titled as “Ravi Saini Vs. Manjeet Singh” (Annexure P-2).

2. It has been contended by counsel for the petitioner that the petitioner has been prosecuted in the above mentioned complaint case. He has submitted that the petitioner was not aware about the impugned order. He has submitted that non-bailable warrants of arrest were issued against the petitioner vide order dated 04.06.2025 (Annexure P-1). He has submitted that proclamation proceedings under Section 82 Cr.P.C./Section 84 of BNSS were initiated against the petitioner and thus, vide order dated 04.06.2025, the

petitioner was declared as proclaimed person. He has further submitted that the petitioner was never served personally nor he is having knowledge of the complaint. The non-appearance of the petitioner was not deliberate but was due to lack of proper service. He has submitted that the petitioner was not aware about the impugned order dated 04.06.2025. He has submitted that the petitioner is keen to join the proceedings. He has thus submitted that the petitioner be granted protection for appearing before the learned trial Court.

3. Notice of motion.

4. On asking of the Court, Mr. Tanuj Sharma, AAG, Haryana appears and accepts notice on behalf of the respondent-State. He 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 from the Court without any valid reason.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in complaint case filed under Sections 138/142 of the Negotiable Instruments Act, 1881. As per, the petitioner, he was not aware about the proclamation proceedings and thus, due to absence of the petitioner, he was declared as proclaimed person. Without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceed to decide the matter as now the petitioner is ready and keen to join the proceedings. So, keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 04.06.2025 declaring the petitioner as proclaimed person is set aside subject to payment of Rs.5,000/- as costs to be paid to the Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15, Chandigarh. The petitioner is directed to appear before the trial Court within a period of 10 days

from today and files appropriate application along with receipt of deposit of above-said costs then the trial Court will admit him to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioner will have protection from arrest for a period of 10 days from today.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, he has no benefit of this order and the order dated 04.06.2025 would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

22.07.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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