

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

133

CRM-M-39863-2025
DATE OF DECISION: 28.07.2025

MUKESH GOYAL**...PETITIONER**

Versus

**STATE OF U.T CHANDIGARH AND ANOTHER
... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner(s).

Mr. Manish Bansal, P.P., UT Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of the B.N.S.S. for quashing of Order dated 22.11.2023 (Annexure P-1), whereby proclamation proceedings were initiated against the petitioner AND the Order dated 15.01.2024 (Annexure P-1/A), whereby the petitioner was declared as "Proclaimed Person" by the Ld. Court of Judicial Magistrate 1st Class, U.T. Chandigarh, in case bearing Criminal Complaint No. 5875 of 2015 (Annexure P-5), dated 23.10.2015, CNR No. CHCH030107222015 (New Number is COMI-91 of 2024, duly rectified by the Ld. Judicial Magistrate, vide Order dated 06.08.2024) for the offence punishable under Section 420 IPC, filed by respondent No.2, before the Ld. Court of Judicial Magistrate, Chandigarh under the provision of Section 156(3) of the Cr.P.C.; which has now been consigned to the record room, vide Order dated 29.04.2025 (Annexure P-28), passed by Ld. Trial Court as the matter

between complainant/respondent No.2 and other three co-accused of petitioner stood amicably settled, vide Settlement Deed (Annexure P-25), in the interest of justice.

Learned counsel for the petitioner submits the petitioner could not appear in Court as summons were issued against the petitioner at his incorrect address and his correct address was never furnished, hence, he was never served. He further submit that bailable, non-bailable warrants and proclamation were issued against the petitioner at his incorrect address which could not be served upon him. He submits that the petitioner did not had any intention to avoid attendance in the Court proceedings/ 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, learned State Counsel 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.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, impugned order dated 22.11.2023 (Annexure P-1) and order dated 15.01.2024 (Annexure P-1/A) are set aside and the petitioner is directed to surrender before the trial Court within a period of two weeks 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.

The aforesaid order/concession to the petitioner shall be subject to payment of Rs.15,000/- as compensatory penalty to be deposited with the Chandi Kusht Ashram Society, (account No.1445265900) (IFSC Code KKBK0004211), Kotak Mahindra Bank, Sector 46-C Chandigarh 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 in accordance with law.

The amount so deposited by the petitioner shall not be construed as cost for this order but compensatory penalty for stalling the court proceedings by evading himself from trial for a long time.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

28.07.2025
anuradha

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