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

CRM-M-44165-2025

Date of Decision: 13.08.2025

VINOD KUMAR

..... PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. J.S. Dhaliwal, Advocate
for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J. (ORAL)

This is a petition, filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), seeking for quashing of order dated 13.12.2019 whereby he was declared a proclaimed person and warrant has been issued against him in a case arising out of FIR No. 180 dated 05.09.2022 under Section 174-A of IPC, Police Station City 2 Mansa, District Mansa. The abovementioned FIR was lodged when in a complaint case bearing no. NACT-129/2018 dated 22.02.2018 filed by the respondent under Section 138 read with Section 142 of the Negotiable



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Instruments Act, the petition was declared a proclaimed person on 13.12.2019.

Notice of motion.

Mr. Eklavya Darshi Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State and waives service.

Heard.

Learned counsel for the petitioner submits that the petitioner was never served with any notice and that he had no knowledge of the complaint or the proceedings at any stage nor he ever received any summons in that regard. According to learned counsel for the petitioner, in view of above, the petitioner has wrongly been declared as proclaimed person.

The learned State counsel has controverted the above mentioned arguments on the ground that petitioner has been playing hide and seek with the Court and that he deliberately avoided appearance in the Court.

The record perused carefully.

In view of peculiar facts and circumstances of this case and the fact that offence under Section 138 of Negotiable Instruments Act is a bailable offence, the present petition is disposed of with a direction to the petitioner to appear before the learned trial Court on the next date of hearing or within a period of 15 days from today, whichever is later. In case, the petitioner appears before the learned trial Court within the stipulated period, he shall be admitted to bail on furnishing bail bonds to the satisfaction of the learned trial Court concerned/Illaq Magistrate/Duty Magistrate. However, it is made clear that the learned trial Court will be at liberty to proceed against

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the petitioner as well as his surety as per provisions contained under Section 491 of BNNS (erstwhile Section 446 of Cr.P.C.).

13.08.2025
Sima

(SURYA PARTAP SINGH)
JUDGE

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