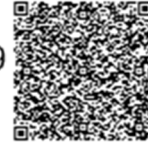


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-51541-2025 (O&M)
Date of decision: 15.09.2025

Mandeep Singh**...Petitioner**

Versus

M/s H. M. Industries and others**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

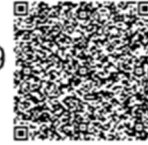
Present:- Mr. Manjinder Singh Saini, Advocate
for the petitioner. (Through VC)

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for quashing of order dated 22.02.2023 (Annexure P-6), passed by the Court of learned Judicial Magistrate First Class, Phagwara in criminal Complaint bearing NACT No. 257 of 2020, titled as ***M/s H. M. Industries vs. Mandeep Singh etc.***, filed under Sections 138 and 142 of the Negotiable Instruments Act, 1881 (*for short 'N. I. Act'*), whereby the petitioner had been declared a proclaimed person.

2. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that the petitioner has been falsely implicated in the aforementioned case. He was not aware about the pendency of the said complaint against him. He was never served with any notice/warrants issued by the learned trial Court. More so, the petitioner had been declared a proclaimed person without following the proper procedure prescribed under Section 82 of Cr.P.C. He is ready to join the proceedings. Hence, it is urged that the impugned order is liable to be set aside.

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3. I have heard learned counsel for the petitioner at considerable length and have also gone through the material placed on record.

4. On giving due deliberations to the contentions as raised by learned counsel for the parties and on an overall perusal of the orders passed by the learned trial Court from the date of initiating proceedings under Section 82 Cr.P.C. as against the petitioner till the date of declaring him a proclaimed person, I am of the considered opinion that the impugned order dated 22.02.2023 suffers from some illegalities and is liable to be quashed with all the consequential proceedings arising therefrom.

5. After going through the material placed on record as well as the copies of zimni orders passed by the learned trial Court, it is revealed that on 06.12.2022, since the non-bailable warrants issued against the petitioner were received back unserved, the learned trial Court had ordered for issuance of proclamation against him for 22.02.2023. A bare perusal of this order shows that the learned trial Court before ordering for publication of proclamation has not recorded its proper satisfaction that the petitioner had absconded or was concealing himself so that the warrant of arrest, previously issued, cannot be executed, despite reasonable diligence, which was in violation of the provisions of Section 82(1) of Cr.P.C. Reliance in this regard can be placed upon ***Rohit Kumar Vs. State of Delhi : 2008 CrL J. 2561.***

6. Accordingly, in view of the discussion as made above and also in view of the ratio of law as laid down in above cited authorities, the present petition is allowed and the impugned order dated 22.02.2023 (Annexure P-6), passed by the Court of learned Judicial Magistrate First Class, Phagwara in criminal Complaint bearing NACT No. 257 of 2020, titled as ***M/s H. M.***

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Industries vs. Mandeep Singh etc., filed under Sections 138 and 142 of the N.

I. Act, whereby the petitioner had been declared a proclaimed person, is quashed with all consequential proceedings arising therefrom.

7. Keeping in view the fact that the petitioner is ready to join the proceedings which would obviously help in speedy conclusion of trial, he is directed to surrender before the learned trial Court within a period of 03 weeks from today and on doing so, the learned trial Court shall release him on bail, subject to his furnishing fresh personal/surety bonds to its satisfaction.

8. Till the appearance of the petitioner before the learned trial Court, his arrest shall remain stayed.

9. It is made clear that in case the petitioner fails to appear before the learned trial Court within the stipulated time, this petition shall be deemed to be dismissed.

15.09.2025*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*