



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

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CRM-M-56604-2025 (O&M)

Date of decision: 04.11.2025

Mahagun Real Estates Pvt. Ltd. And Others

....Petitioners

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sidharth Joshi, Advocate for the petitioners
(Through Hybrid Mode)

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the entire proceeding of complaint bearing No.NACT-14922-2022 dated 12.04.2022 titled as Jones Lang LaSalle Building Operations Pvt. Ltd vs. Mahagun Real Estate Pvt. Ltd and Others, FIR No.0252 dated 10.09.2025, registered under Section 209 BNS at Police Station DLF Phase 3rd, Gurugram as also impugned order dated 04.06.2025, vide which the petitioners were declared as proclaimed persons in the aforesaid complaint.

2. Learned counsel for the petitioners restricts his prayer only to the quashing of PO order. He submits that in the complaint, they having been summoned, had appeared through their counsel on 31.08.2023 and files an application for compounding of offence along with Demand Draft bearing No.14365 dated 17.08.2023 for an amount of Rs.20,00,00/- in light of the judgment passed by Hon'ble the Supreme Court in Meter and Instruments Pvt. Ltc. vs. Kanchan Mehta, Criminal Appeal No.1731 of 2017. There was a detailed reply filed by respondent No.2, however, the said application has not been decided



till date. Thereafter, an application has been filed by respondent No.2 under Section 11 of the Arbitration and Conciliation Act, 1997, Hon'ble Delhi High Court has appointed as Arbitrator vide order dated 07.02.2023, Annexure P-7, whereupon a settlement dated 24.10.2024, Annexure P-10 has also been arrived at in terms of which, Rs.90,60,000/- was also paid to him as stated in para 19 of the petition. However, as per clause 4 thereof, all pending cases were to be withdrawn, which till date have not been by respondent No.2. The application for compounding having not been decided, warrants were issued to the petitioner and consequently, they were declared proclaimed persons vide order dated 04.06.2025. They are ready and willing to join the proceedings and prays that one last opportunity may be granted to them to surrender before the trial Court. To buttress his submission, reliance is placed on the judgments of this Court in **Gurbir Singh Mundi vs. State of Punjab and another** CRM-M-49283-2021, decided on 16.12.2021.

3. Notice of motion.

4. At the asking of the Court, Mr. B.S. Saroha, DAG Haryana accepts notice on behalf of respondent-State and submits that the order passed against the petitioner is legal and valid on account of the fact that he had absented from the proceedings before the trial Court without any just cause.

5. No order prejudicial to the rights of the private respondent is being proposed to be passed by this Court, thus, thus, no notice is required to be issued.

6. Heard.

7. In the case of **Gurbir Singh Mundi** (supra), it was held that provisions of Section 82(2) Cr.PC. are to be mandatorily complied with cumulatively and not alternatively. The Court had quashed the order declaring the



petitioner therein as proclaimed person on the ground that declaration was not read publicly in some conspicuous place of town or village, in which the accused ordinarily resides.

8. The very purpose of initiation of proclamation proceedings, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

9. Considering the fact that the absence of the petitioner was not wilful or deliberate and his readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioner, no prejudice shall be caused to any of the parties, rather his joining the proceedings would help in expediting the trial. This Court in light of the judgment referred to above being applicable to the instant case, finds that the ends of justice would be adequately met if the present petition is allowed.

10. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 04.06.2025, Annexure P-12, is set aside, subject to surrender by the petitioners before the trial Court on or before 16.11.2025 and subject to payment of costs of Rs.25,000/- to be deposited with Shree Mata Mansa Devi Bhandar Committee Charitable Trust (Regd.) having its Account No.50100238189041, IFSC Code-HDFC0000108, HDFC Bank, Sector-8, Panchkula. On furnishing bail/surety bonds, the trial Court shall release them on bail subject to its satisfaction. They are also directed to furnish an undertaking by way of an affidavit that they will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. They shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and

circumstances of the present case.

- 11. The petition is disposed of.
- 12. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

04.11.2025
M.Kamra

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