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

CRM-M No.69375 of 2025

Date of decision: 09.12.2025

Vinay Vishal and another

.....Petitioners

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sharwan Sehgal, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 28.11.2025 declaring proclaimed offender and consequently ordered for registration of FIR under Section 209 of BNS, 2023 passed by the learned Judicial Magistrate First Class, Gurugram in NACT case No.8894-2023, under Sections 138/141/142 of Negotiable Instruments Act, 1881 as amended up to date titled as M/s H. M. International Finance Limited vs. M/s Furlong Realty Pvt. Ltd. and others qua the petitioners and the petitioners may further be allowed to appear before the learned JMFC, Gurugram to avail the bail after furnishing the necessary bond/security etc. Further prayer has been made for staying the further proceedings before the Court of learned JMFC, Gurugram during the pendency of the



present petition.

2. It has been contended by learned counsel for the petitioners that the petitioners have been falsely prosecuted in criminal complaint filed under Sections 138/141/142 of Negotiable Instruments Act. He has submitted that after registration of the complaint, the petitioners are appearing before the learned trial Court. He has submitted that father of petitioner No.1 was suffering from brain hemorrhage since 2023 and he is totally bed ridden and the petitioners are required to look after him and thus, they could not appear before the Court. He has submitted that thereafter vide order dated 28.11.2025, both the petitioners were declared as proclaimed persons. He has submitted that the order declaring the petitioners as proclaimed persons is in violation of the provisions of Section 82 of Cr.P.C. He has submitted that the petitioners were never issued the summons nor any notice was ever served to the petitioners. He has submitted that the petitioners are keen to join the proceedings. He has thus submitted that the petitioners be granted protection for appearing before the learned trial Court.

3. Notice of motion.

4. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana, appears and accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioners and has submitted that the petitioners have rightly been declared as proclaimed persons, 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 petitioners were prosecuted in criminal complaint filed under Sections 138/141/142 of Negotiable Instruments Act. Due to non appearance of the petitioners, they were declared as proclaimed persons. Without commenting anything about the authenticity of the ground of absence taken by the petitioners, this Court proceed to decide the matter as now the petitioners are ready and keen to join the proceedings.

6. Consequently, the present petition is disposed of and impugned order dated 28.11.2025 passed in a Complaint Case bearing NACT No.8894 of 2023 whereby the petitioners were declared as Proclaimed persons by the learned Judicial Magistrate Ist Class, Gurugram is hereby quashed subject to payment of costs of Rs.25,000/- (each) by the petitioners deposited in the trial Court within ten days from the date of receipt of certified copy of this order, which will be paid to the complainant/respondent No.2. The trial Court will issue notice to the complainant and on his appearance Rs.25,000/- (each) cost deposited by the petitioners will be released to him forthwith. The petitioners are directed to appear before the trial Court within a period of 10 days from the date of receipt of certified copy of this order and file appropriate application, then the trial Court will admit them to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioners will have protection from arrest for a period of 10 days from the date of receipt of certified copy of this order.



7. Needless to say that in case the petitioners fail to comply with the abovesaid direction, the order under challenge dated 28.11.2025 along with FIR in question and consequential proceedings would come in force and the present petition shall be deemed to have been dismissed.

09.12.2025			(RAJESH BHARDWAJ)
<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No