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

CRM-M No.70512 of 2025

Date of decision: 22.12.2025

Narinder Pal

.....Petitioners

versus

State of Punjab and another

..... Respondents

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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Present :- Mr. Rajesh Kapila, Advocate and  
Ms. Himani Kapila, Advocate  
for the petitioner.

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**RAJESH BHARDWAJ, J. (Oral)**

1. Prayer in the present petition is for quashing of impugned order dated 18.10.2025 (Annexure P-3) passed by the learned Judicial Magistrate Ist Class, Gurdaspur vide which the petitioner has been declared proclaimed person in complaint case bearing NACT No.546 of 2022 dated 07.10.2022 titled as 'M/s Shri Ram City Union Finance Limited vs. Narinder Pal', under Section 138 of Negotiable Instruments Act, 1881. Further prayer has been made for granting ad-interim relief to the petitioner during the pendency of the present petition.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in criminal complaint filed under Section 138 of the Negotiable Instruments Act. He has submitted that after registration of the complaint, the petitioner was summoned to face trial vide order dated 18.11.2022. He has further submitted that thereafter vide orders dated 21.04.2025 and 04.06.2025, non bailable



warrants against the petitioner were issued and thus, on 06.08.2025, proclamation against the petitioner was issued for 18.10.2025. He has further submitted that the learned trial Court vide order dated 18.10.2025, declared the petitioner as proclaimed person. He has submitted that the petitioner is not aware about the proceedings pending against the petitioner as he was neither served in the present complaint nor he received any summons as he was working at Jammu. He has further submitted that when the petitioner came to know about the order dated 18.10.2025, he filed anticipatory bail petition before the learned trial Court, however the same was dismissed vide order dated 02.12.2025. He has submitted that the order declaring the petitioner as proclaimed person is in violation of the provisions of Section 82 of Cr.P.C. He has submitted that the petitioner is keen to join the proceedings. He has thus submitted that the petitioner be granted protection for appearing before the learned trial Court.

3. Notice of motion to official respondent No.1 at this stage.

4. On asking of the Court, Ms. Ramta Chowdhary, DAG, Punjab appears and accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner has rightly been declared as proclaimed person, who remained absent from the Court despite orders.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in criminal complaint filed under Section 138 of Negotiable Instruments Act. Due to non appearance of the petitioner, he was declared as proclaimed person.

Without commenting anything about the authenticity of the ground of



absence taken by the petitioner, this Court proceed to decide the matter as now the petitioner is ready and keen to join the proceedings.

6. Consequently, the present petition is disposed of and the impugned order dated 18.10.2025 passed in a Complaint Case bearing NACT No.546 of 2022 whereby the petitioner was declared as Proclaimed person by the learned Judicial Magistrate Ist Class, Gurdaspur is hereby quashed subject to payment of costs of Rs.25,000/- by the petitioner to be 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, payment of cost of Rs.25,000/- deposited by the petitioner will be released to him forthwith. The petitioner is 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 him to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioner 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 petitioner fails to comply with the abovesaid direction, the order under challenge dated 18.10.2025 would come in force and the present petition shall be deemed to have been dismissed.

22.12.2025

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

(RAJESH BHARDWAJ)  
JUDGE