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

**CRM-M No.73113 of 2025
Date of decision : 24.12.2025**

Dinesh Kumar

.....Petitioner

versus

**Greater Mohali Area Development Authority,
PUDA Bhawan, Mohali, Punjab**

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Shivya Sehgal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of impugned order dated 29.09.2023 in NACT No.410 of 2021, which which the learned trial Court has illegally and erroneously declared the petitioner as proclaimed person, in complete violation of the provisions of Section 82 Cr.P.C. Further prayer has been made for staying the operation of the impugned order dated 29.09.2023 during the pendency of the present petition.

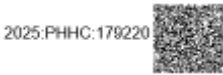
2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in a complaint filed under Section 138 of Negotiable Instruments Act, 1881 as he was not the signatory to the cheque. She has further submitted that the petitioner was wrongly declared as proclaimed person vide impugned order dated 29.09.2023. She has submitted that the order declaring the petitioner as



proclaimed person is in violation of the provisions of Section 82 of Cr.P.C. She has submitted that the petitioner was never issued the summons nor any notice was ever served upon him. She has submitted that the petitioner is keen to join the proceedings. She has thus submitted that the petitioner be granted protection for appearing before the learned trial Court.

3. Heard.

4. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner was prosecuted in a complaint filed under Section 138 of Negotiable Instruments Act. Due to non appearance of the petitioner, he was declared as proclaimed person vide order dated 29.09.2023. However, the petitioner remained absent as he was never served with any notice of proclamation under Section 82 of Cr.P.C. and thereafter 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. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 29.09.2023 is hereby *set aside* subject to payment of costs of Rs.25,000/- to be paid to the **Society for the Care of Blind, Sector 26, Chandigarh** within a period of 07 days from the date of receipt of certified copy of this order. 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 files appropriate application along with receipt of deposit of above-said costs, 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.

5. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, he has no benefit of this order and the impugned order dated 29.09.2023 would stand automatically revived and the present petition shall be deemed to have been dismissed.

6. Disposed of in above terms.

24.12.2025

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

(RAJESH BHARDWAJ)
JUDGE