



135

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

CRM-M-7307-2020**Date of decision :15.01.2026****Anoop Singh****.....Petitioner****versus****State of Haryana and another****.....Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Puneet Munjal, Advocate and
Mr. Manoj Pundir, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Ms. Pooja Mandal, Advocate for
Mr. Anshul Mangla, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 18.12.2019 (Annexure P-4) passed by learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri vide which the petitioner was delcared as a proclaimed person in Criminal Complaint NIA-1269/2017 dated 21.07.2017 under Section 138 of Negotiable Instruments Act and all the consequential proceedings arising out of the same.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the impugned complaint under Section 138 of the Negotiable Instruments Act. He submits that the cheque amount was of Rs.37,500/-, which has already been paid. He submits that without complying with the provisions as envisaged under



Section 82 Cr.P.C. proclamation proceedings were initiated against the petitioner and ultimately, he was declared as a proclaimed person vide impugned order dated 18.12.2019 (Annexure P-4). He further submits that petitioner was neither served with any ordinary service nor with any substituted service. He submits that the absence of the petitioner was not intentional as he is already behind bars in some other FIR. He submits that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail, if any imposed by this Court.

3. Learned State counsel as well as counsel for respondent No.2, have opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly declared the petitioner as proclaimed person, who remained absent despite orders.

4. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent despite order and he was declared as proclaimed person. The reason given by the petitioner for his absence is that he is already behind bars in some other FIR. But now the petitioner is keen and ready to join the proceedings and face the trial. So keeping in view the abovesaid facts, the present petition is disposed of and order dated 18.12.2019 and all the consequential proceedings arising out of the same are *set aside* subject to payment of Rs.5,000/- as costs to be deposited in the trial Court concerned 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.5,000/- cost 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



then the trial Court will admit her 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, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 18.12.2019 would come in force and the present petition shall be deemed to have been dismissed.

15.01.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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