

2026 PHHC 062600



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

131-1

CRM-M-13869-2018 (O&M)
Date of decision: 23.04.2026

Rakesh Gupta and another**...Petitioner**

Versus

State of U.T., Chandigarh and another**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Saurabh Dalal, Advocate
for the petitioners.

Mr. Vaibhav Mittal, Addl. P.P., U.T., Chandigarh.

Mr. Gurasis Singh, Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. CRM-17510-2026

Prayer in this application is for advancing the date of hearing of the main case, which is fixed for 09.07.2026.

For the reasons stated in the application, the same is allowed. The main case is preponed and is ordered to be taken up today itself.

2. CRM-M-13869-2018 (O&M)

The instant petition has been filed by the petitioners under Section 482 of Cr.P.C. (*which corresponds to Section 528 of BNSS, 2023*) for quashing of order dated 10.10.2017 (Annexure P-1), passed by the Court of learned Judicial Magistrate First Class, Chandigarh in Criminal complaint No. 7339 of 2015, titled as *M/s Virgo Aluminum Limited vs. S. R. Foils and Tissues Ltd. and others*, filed under Section 138 of the Negotiable

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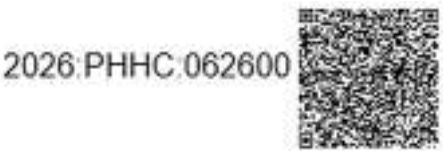
Instruments Act, 1881 (*for short 'N. I. Act'*) and Section 420 of IPC, whereby the petitioners had been declared as proclaimed persons.

3. It is argued by learned counsel for the petitioners that a compromise has been effected between the parties and respondent No. 2/complainant is ready and willing to settle the matter by making a statement before the learned trial Court and even has no objection if the present petition is allowed by this Court, thereby quashing the impugned order.

4. Learned counsel for respondent No. 2/complainant has affirmed the factum of a compromise having been arrived between the parties.

5. Learned Addl. P.P., Chandigarh has chosen not raise any argument as the matter relates to a private complaint.

6. With the assistance of learned counsel for the petitioners as well as learned counsel for respondent No. 2/complainant, this Court has gone through the record and it has been revealed that the present petitioners had not been appearing before the learned trial Court. Ultimately, proceedings for declaring them as proclaimed persons had been initiated. In the meanwhile, the petitioner filed an application before the Court of learned Additional Sessions Judge seeking pre-arrest bail. The Court of learned Additional Sessions Judge, vide order dated 21.09.2017, stayed the arrest of the petitioners and gave them opportunity to appear before the learned trial Court within a period of 30 days and to seek concession of bail. The petitioners appeared before the learned trial Court on 29.09.2017 and were extended benefit of bail. However, vide order dated 03.10.2017, learned Additional Sessions dismissed their application for grant of anticipatory bail on account



of non-compliance of its order, whereby the petitioners were directed to furnish an undertaking. Then vide order dated 10.10.2017, the petitioners were declared proclaimed persons. Since the petitioners were well aware about the pendency of the complaint against them and even about passing of the order initiating proclamation proceedings against them and had even approached the Court of learned Additional Sessions Judge for grant of pre-arrest bail, therefore, this Court finds no illegality or infirmity in the impugned order dated 10.10.2017. However, since they are ready to appear before the learned trial Court and also that the matter stands amicably settled between the parties, the present petition is disposed of. The petitioners are directed to surrender before the learned trial Court within a period of 20 days from today and on doing so, the learned trial Court shall release them on bail, subject to their furnishing fresh personal/surety bonds to its satisfaction.

7. Till the appearance of the petitioners before the learned trial Court, their arrest shall remain stayed.

8. It is made clear that in case the petitioners fail to appear before the learned trial Court within the stipulated time, this petition shall be deemed to be dismissed.

23.04.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No