

2026-PHHC-040837



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

176

CRM-M-11007-2026 (O&M)
Date of decision: 16.03.2026

Altus Space Builders Pvt Ltd and Others
Versus

....Petitioners

Greater Mohali Area Development Authority

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Amit Jaswal, Advocate for the petitioner

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the impugned order dated 14.11.2024 passed by learned Judicial Magistrate First Class, SAS Nagar, Mohali, in complaint case No.NACT-463 of 2023 dated 17.05.2023 filed under Section 138 of NI Act, vide which the petitioners were declared as proclaimed persons.

2. Learned counsel for the petitioners restricts his prayer only for setting aside of PO order. He submits that the procedure prescribed under Section 82 Cr.P.C. has not been complied with before declaring them declared proclaimed persons inasmuch as there is no satisfaction recorded by the trial Court that they were concealing themselves or evading the process, particularly in view of the fact that they were appearing in 6 cases before the same Court. 1st part of Section 82(2) Cr.P.C. has not been complied with in letter and spirit as the notice was neither pasted on the conspicuous part of his business premises nor in the Court and only published in the newspaper i.e. Azad Soch, which also has hardly any circulation and has also not been read in public. Be that as it

may, they have already paid the entire dues of GMADA, the final certificate thereof has been appended as Annexure P-20 dated 06.02.2026. They are ready and willing to join the proceedings and prays that one last opportunity may be granted to them to surrender before the trial Court.

3. Notice of motion.

4. Ms. Karina Kalra, Advocate appears for Mr. Avin Sandhu, Advocate accepts notice on behalf of respondent and has not opposed in view of the fact that payment has already been made.

5. Heard.

6. In **Gurbir Singh Mundi** (supra), it was held that provisions of Section 82(2) Cr.PC. are to be mandatorily complied with cumulatively and not alternatively. The Court had quashed the order declaring the petitioner therein as proclaimed person on the ground that declaration was not read publicly in some conspicuous place of town or village, in which the accused ordinarily resides.

7. In **Sonu Vs. State of Haryana 2021 (1) RCR (CrL.) 319**, it was held that any non-compliance in the procedure prescribed in declaring a proclaimed person, cannot be treated as an irregularity but the same renders such proceedings a nullity.

8. The very purpose of initiation of proclamation proceedings, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

9. Considering the fact that the absence of the petitioners was not wilful or deliberate and their readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioners, no prejudice

shall be caused to any of the parties, rather their joining the proceedings would help in expediting the trial. This Court in light of the judgment referred to above being applicable to the instant case, finds that the ends of justice would be adequately met if the present petition is allowed.

10. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 14.11.2024, Annexure P-1, is set aside.

11. They are directed to surrender before the learned trial Court on or before 15.04.2026 and deposit Rs.25,000/- as costs with the Sai Aasra Paraplegic Rehab Centre (Kotak Mahindra Bank, Branch Sector 27 D, Chandigarh, Account No: 9612001641, IFSC: KKBK0004201. On furnishing bail/surety bonds, they are also directed to furnish undertaking by way of an affidavit that they will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. They shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

12. The petition is disposed of.

13. Before parting with this order, it is made abundantly clear that in case the petitioners do not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

16.03.2026
ashok

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