



CRM-M-18483-2026 (O&M)

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

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CRM-M-18483-2026 (O&M)

Date of Decision : 06.04.2026

Suresh Kumar

...Petitioner

VERSUS

Cholamandlam Investment and Finance Company Ltd.

...Respondent

CORAM : HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Prince Goyal, Advocate for the petitioner.

AMAN CHAUDHARY J. (ORAL)

1. Prayer made in the present petition for quashing the impugned order dated 04.12.2025, Annexure P-6, passed by learned Judicial Magistrate 1st Class, Chandigarh, in complaint case No. "NACT-10976-2024" registered on 12.11.2024, under Section 138 of the Negotiable Instruments Act, 1881, vide which the petitioner was declared as proclaimed person.

2. Learned counsel submits that the petitioner was granted bail by the trial Court vide order dated 02.05.2025, Annexure P-3. Thereafter, the case was fixed for 19.08.2025, on which date he could not appear as he was under impression that his presence was not required on each and every date. It is further submitted that on the very same date without cancelling the bail and forfeiting the bail bonds, straight-way non-bailable warrants have been issued against the

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petitioner, which were never executed, Annexure P-4. Thereafter, vide order dated 04.12.2025, Annexure P-6, the petitioner was declared as proclaimed person without following the procedure of Section 82(1)(a) of Cr.P.C. in letter and spirit as the same was not publicly read. He is ready and willing to join the proceedings and prays that one last opportunity may be granted to him to surrender before the trial Court, even if the same is subject to costs.

3. Learned State counsel submits that the order passed against the petitioner is legal and valid on account of the fact that he had absented from the proceedings before the trial Court without any just cause.

4. Heard.

5. In **Gurbir Singh Mundi vs. State of Punjab and another** CRM-M-49283-2021, decided on 16.12.2021, it was held that provisions of Section 82 Cr.P.C. 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.

6. 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.

7. 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.

8. Considering the fact that the absence of the petitioner was not wilful or deliberate and his readiness and willingness to surrender and join the



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proceedings, in case one opportunity is granted to the petitioner, no prejudice shall be caused to any of the parties, rather his 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.

9. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 04.12.2025, is set aside.

10. The petitioner is directed to surrender before the learned trial Court on or before 10.04.2026 and deposit Rs.5,000/- as costs with Shree Mata Mansa Devi Bhandara Committee Charitable Trust (Regd.), whereupon, he be allowed to remain on the same bail/surety bonds as had been furnished by him at the time of granting bail. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the learned trial Court, unless specifically exempted by the Court. He 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.

11. The present petition is accordingly disposed of.

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

April 06, 2026
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(AMAN CHAUDHARY)
JUDGE

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