

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

141

2026 PHHC 074950



CRM-M-26927-2026 (O&M)

Date of decision: 13.05.2026

Ajeet Pandey**...Petitioner****Versus****State of Haryana and another****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Gurmohan Singh Bedi, Advocate and
Mr. Anand Vardhan Khanna, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 16.01.2020 (Annexure P-1), passed by the Court of learned Judicial Magistrate First Class, Gurugram in case titled as ***M/s Agrani Consultants v. Gangotri Enterprises and others***, filed under Section 138 of the Negotiable Instruments Act, 1881 read with Sections 406 and 420 of IPC, whereby the petitioner had been declared a proclaimed person along with all the subsequent proceedings including FIR No. 1106 dated 13.07.2020, registered under Section 174-A of IPC at Police Station Shivaji Nagar.
2. At the very outset, learned counsel for the petitioner has restricted his arguments only to the extent of quashing the impugned order dated 16.01.2020.

3. After hearing the arguments advanced by learned counsel for the petitioner, it is revealed that on 14.10.2019, since the non-bailable warrants issued against the petitioner were received back unserved, the learned trial Court had ordered for issuance of proclamation against him for 16.01.2020. A bare perusal of this order shows that the learned trial Court before ordering for publication of proclamation has not recorded its proper satisfaction that that the petitioner had absconded or was concealing himself so that the warrant of arrest, previously issued, cannot be executed, despite reasonable diligence, which was in violation of the provisions of Section 82(1) of Cr.P.C. Reliance in this regard can be placed upon ***Rohit Kumar Vs. State of Delhi : 2008 CrL J. 2561.***

4. Accordingly, the present petition is partly allowed and the impugned order dated 16.01.2020, passed by the Court of learned Judicial Magistrate First Class, Gurugram in case titled as ***M/s Agrani Consultants v. Gangotri Enterprises and others***, filed under Section 138 of the Negotiable Instruments Act, 1881 read with Sections 406 and 420 of IPC, whereby the petitioner had been declared a proclaimed person, is quashed with all consequential proceedings arising therefrom.

5. The petitioner is directed to surrender before the learned trial Court within a period of 15 days from today and on doing so, the learned trial Court shall release him on bail, subject to his furnishing personal/surety bonds to its satisfaction.

6. Till the appearance of the petitioner before the learned trial Court, his arrest shall remain stayed.

7. However, this relief shall be subject to payment of cost of Rs. 10,000/-, to be deposited by the petitioner with the learned trial Court, which shall be disbursed to respondent No. 2/complainant.
8. It is made clear that in case the petitioner fails to appear before the learned trial Court within the stipulated time, this petition shall be deemed to be dismissed.
9. The petitioner is granted liberty to file a fresh petition seeking quashing of the aforementioned FIR, if so advised.

13.05.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>