



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

138

CRM-M-19579-2026 (O&M)

Date of decision: 16.04.2026

Vaibhav Vohra and Another

....Petitioners

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Pranav Handa, Advocate for the petitioners

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the impugned order dated 20.02.2026 passed by learned Judicial Magistrate First Class, Derabassi, in complaint case No.NACT-164-2021 dated 12.05.2021, vide which the petitioners were declared as proclaimed persons.

2. Learned counsel submits that the petitioners were summoned in a complaint under Section 138 NI Act and granted bail, whereafter, they continued to appear regularly before the trial Court but for 16.10.2024, 08.08.2025 & 05.09.2025 on account of medical exigency of injury of spinal cord of petitioner No.1 and an application seeking exemption has been filed by the same was not accepted. Medical records whereof has been appended as Annexure P-2. Thereafter on 26.11.2025, for which the non-bailable warrants were issued against them, they could not appear on account of death of grandfather of the wife of petitioner No.1, however, on all of the aforesaid dates, their learned counsel was appearing. On that date, their bail were cancelled and bail/surety bonds were forfeited to State and during the pendency of this petition, they were declared proclaimed persons vide order dated 20.02.2026, however, the same having not been read in public, thus the



provisions were not complied with, in letter and spirit. 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. At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State and submits that the order passed against the petitioners is legal and valid on account of the fact that they had absented from the proceedings before the trial Court without any just cause.

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 them, 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 20.02.2026, Annexure P-5, is set aside.

11. They are directed to surrender before the learned trial Court on or before 01.05.2026 and deposit Rs.10,000/- each as costs with Day Care Centre for elderly disabled in home for old & destitute people, Sector-15, Chandigarh, having its Account No.0537010195720, IFSC Code: PUNB0008700, Punjab National Bank, Sector 17-B, Chandigarh. On furnishing bail/surety bonds, he is also directed to furnish undertaking by way of an affidavit that he will appear on each and every date of hearing before the 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.

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

16.04.2026

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No