

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

2026:PHHC:068091



(148)

CRM-M-20504-2026

Date of Decision: 04.05.2026

Prince

--Petitioner

Versus

Union Territory of Chandigarh & Anr.

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Deepak Chauhan, Advocate for the petitioner.

Mr. Varun Baanth, APP for U.T., Chandigarh.

RAJESH BHARDWAJ.J (Oral)

1. Prayer in the present petition is for setting aside of the impugned orders dated 23.12.2025 (Annexure P-1) and 26.02.2026 (Annexure P-2), passed by learned JMIC, Chandigarh, whereby, non-bailable warrants of petitioner have been issued in complaint case no. COMA-14320 of 2023 under Section 25 of Payment and Settlement Act, 2007 and proclamation proceedings have been initiated against the petitioner.

2. It has been contended by learned counsel for the petitioner that the petitioner used the facility of credit card but due to some unavoidable circumstances was unable to pay the outstanding amount within the stipulated time. Thereafter, he approached the respondent no.2-Bank a number of times and requested them to grant him time to pay the pending dues. Bank authorities assured the petitioner to forward his request to the higher authority and whenever approval is received, petitioner will be

informed. However, petitioner was never informed about any such approval and thereafter bank authorities filed the complaint in question before the court concerned but as the petitioner did not receive any notice, vide order dated 24.09.2025 his bailable warrants were issued, which remained unserved and thereafter vide impugned order dated 23.12.2025 non-bailable warrants against the petitioner were issued by the learned JMIC, Chandigarh. Then vide order dated 26.02.2026 proceedings under Section 82 Cr.P.C were initiated against him. Counsel submits that absence of the petitioner from the proceedings was totally unintentional and due to the circumstances beyond his control. He further submits that the petitioner is ready to appear before the trial Court and abide by all the terms and conditions, if any imposed by this Court.

3. Notice of motion.

4. Mr. Varun Baanth, APP, U.T., Chandigarh, accepts notice on behalf of respondent no.1 and has opposed the submissions made by counsel for the petitioner. He has submitted that learned trial Court has rightly passed the impugned orders, as the petitioner intentionally avoided the proceedings initiated against him.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to non-joining of the petitioner, non-bailable warrants were issued against the petitioner and proceedings under Section 82 Cr.P.C were initiated against the petitioner vide the impugned orders. The Court without going into the authenticity of the ground taken for the absence of the petitioner, deems it appropriate to direct the petitioner to appear before the Court concerned and to face the trial in the present case.

In these circumstances, when the petitioner is ready to join the trial and

face the proceedings, the orders dated 23.12.2025 and 26.02.2026, are set aside, subject to payment of costs of Rs.10,000/- to be paid to the **Day Care Centre for Elderly Disabled in home for Old & Destitute People, Sector 15, Chandigarh** by the petitioner on his appearance before the trial Court.

6. The petitioner is directed to appear before the trial Court within a period of ten days from the date of receipt of copy of this order and file an appropriate application alongwith the costs of Rs.10,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing fresh bail/surety bonds. The petitioner will have protection from arrest for a period of ten days from the date of receipt of copy of this order. The trial Court is free to impose any condition it likes on the petitioner while admitting him to bail.

7. Needless to say that in case the petitioner fail to comply with the above said direction, this order would be of no avail to him and the orders dated 23.12.2025 and 26.02.2026 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in above said terms.

04.05.2026

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(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No