

CRM-M-21768-2026
Date of decision: 23.04.2026

MUKESH SHARMA

...PETITIONER

V/S

U.T. CHANDIGARH AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Ms. Deepika Verma, Advocate for the petitioner.

SUBHAS MEHLA, J. (ORAL)

1. Present petition has been filed by the petitioner under Section 528 of BNSS for quashing/ setting aside the impugned order dated 16.09.2024 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Chandigarh in in case titled as “Amit Vs. Mukesh Sharma” bearing case No.NACT/4727/2023 dated 07.07.2023 vide which, petitioner has been declared as proclaimed person.
2. Learned counsel for the petitioner submitted that petitioner was declared as proclaimed person due to lack of proper knowledge of proceedings and non-effective service as the petitioner was never served effectively in accordance with law and had no actual knowledge of pendency of proclamation proceedings.
3. Notice of motion.
4. Mr. Ganesh K. Sharma, Advocate accepted notice on behalf of respondent-State and submitted that the petitioner did not join the proceedings intentionally, due to which, he was declared as proclaimed offender.
5. Mr. Gourav Kashyap, Advocate has put in appearance on behalf of respondent No.2 by way of filing of *vakalatnama* and opposes the present



petition by submitting that the petitioner has not been appearing before the trial Court.

6. Heard.
7. On seeing that this Court is not inclined to grant relief as prayed for, learned counsel for the petitioner prayed that he is ready to surrender before the trial Court subject to payment of cost as against disputed amount in the complaint, to be paid to the complainant.
8. Keeping in view the facts and circumstances of the case and the contentions of learned counsel for the petitioner that the petitioner is ready to join the proceedings, he is directed to surrender himself before the learned trial Court within 02 weeks i.e. up to 07.05.2026. and to move an appropriate application by raising all the pleas taken in this petition, before the trial Court regarding his non-appearance. The trial Court is directed to decide his bail application in accordance with law, subject to payment of cost of Rs.20,000/- to be paid to the complainant, till then he will not be arrested by the police in this complaint. It is made clear that if he fails to appear before the trial Court within stipulated time and fails to pay the cost, then, the relief granted by this Court shall deemed to be withdrawn.
9. Petition is accordingly disposed of.

23.04.2026
Sonia Puri

(SUBHAS MEHLA)
JUDGE

- (i) Whether speaking/reasoned

Yes/No
- (ii) Whether reportable

Yes/No