



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

144

CRM-M-25780-2026 (O&M)

Date of decision: 07.05.2026

Shantanu Pal

....Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.S. Randhawa, Advocate for the petitioner

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the impugned order dated 25.04.2024, whereby the petitioner has been declared as proclaimed person in NACT-504-2019 titled as Faridabad Steel Mongers Pvt. Ltd. Vs. Hambro Tech India Pvt. Ltd etc. filed under Section 138 and 142 NI Act.

2. Learned counsel submits that the petitioner was summoned in a complaint under Section 138 NI Act. He has resigned from the company, a copy of resignation dated 06.02.2019, acknowledgment and resolution dated 11.02.2019, have been appended as Annexures P-2 and P-3 and Form No.DIR-12 was also submitted with the Registrar of Companies, Annexure P-4. Thereafter, in the said year as stated in para 9 of the petition, he had left for Gujarat. The summons were never served upon him and in the report, it was also recorded that no such person was found at the given address and no fresh address was furnished to serve him. Consequently, he was declared proclaimed person vide order dated 25.04.2024, Annexure P-7 without the compliance of the mandatory provision of Section 82 Cr.PC, as neither the proclamation was



signed by him or his family members, it was not read publicly in some conspicuous place of the area and to this effect, even the report of the serving official is silent. 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. To buttress his submission, reliance is placed on the judgment of this Court in **Gurbir Singh Mundi vs. State of Punjab and another**, CRM-M-49283-2021, decided on 16.12.2021.

3. Notice of motion.

4. At the asking of the Court, Mr. B.S. Saroha, DAG Haryana accepts notice on behalf of respondent-State and 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.

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 petitioner was not wilful or deliberate and his readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioner, no prejudice shall be caused to any of the parties, rather him 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 25.04.2024, Annexure P-7, is set aside.

11. He is directed to surrender before the learned trial Court on or before 26.05.2026, subject to deposit of Rs.10,000/- as costs with Shri Sanatan Dharma Adhyan Kendra (Regd.), A/c No.0575000100044792, Punjab National Bank, Sector 16-D, Chandigarh and is at liberty to apply for regular bail in the main case before the learned trial Court, which will be decided within 3 days thereafter, in accordance with law.

12. The petition is disposed of.

13. 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.

(AMAN CHAUDHARY)
JUDGE

07.05.2026

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No