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

CRM-M No.29046 of 2023

Date of Decision : 16.04.2026

Miheer Karan Kumar Sakhuja**.....Petitioner**

versus

State of Haryana**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Amitabh Tewari, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of order dated 09.03.2023 passed in NACT No.2123 of 2018 titled 'Fortis Hospitals Limited vs. Karan Kumar Sakhuja' whereby the petitioner has been declared as proclaimed person by the Court of Learned Judicial Magistrate First Class, Faridabad, Haryana along with all other consequential arising out of order dated 09.03.2023. Further prayer has been made for quashing of FIR No.163, dated 10.03.2023, registered at Police Station Faridabad Kotwali, District Haryana, under Section 174-A of IPC, which has been issued pursuant to order dated 09.03.2023 along with all consequential proceedings arising out of FIR.

2. Learned counsel for the petitioner has submitted that he does not want to press the present petition qua quashing of aforementioned FIR and restricts his prayer only qua quashing of order dated 09.03.2023



declaring the petitioner as proclaimed person.

3. The present petition stands dismissed qua quashing of FIR No.163, dated 10.03.2023, registered at Police Station Faridabad Kotwali, District Haryana, under Section 174-A of IPC and thus, only survives for quashing of impugned order dated 09.03.2023 declaring the petitioner as proclaimed person.

4. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in a complaint case bearing NACT No.2123 of 2018 titled '*Fortis Hospitals Limited vs. Karan Kumar Sukhija*' under Sections 138 and 141 of Negotiable Instruments Act. He has submitted that the petitioner in discharge of his existing liability towards the complainant issued a cheque, which on presentation was dishonored. He has submitted that the preliminary evidence was however not led by the complainant on four consecutive dates and thus, was finally led on 02.03.2019. He has submitted that the summons were directed to be issued upon filing of process fee and the matter was fixed for summoning the petitioner but the same could not be done due to delay on the part of the complainant in submitting a copy of the complaint with the office of Ahlmad of the learned Court concerned. He has submitted that the notice was issued to the petitioner on 02.12.2022 but the service was not done at the correct address. He has submitted that the learned trial Court has wrongly observed that the petitioner was absconding to avoid the service of process and, thus, has wrongly issued warrant of arrest under Section 87 Cr.P.C. against the petitioner. He has further submitted that the learned trial Court has not issued any summons or bailable warrants against the petitioner and directly issued non-bailable warrants against him. He has



submitted that the learned trial Court issued proclamation against the petitioner under Section 82 Cr.P.C. and thereafter, the learned trial Court without giving any opportunity to the petitioner declared the petitioner as proclaimed person vide order dated 09.03.2023 and further directed to lodge an FIR against him under Section 174-A of IPC. He has submitted that the petitioner was not aware about the orders passed against him. He has submitted that the order declaring the petitioner as proclaimed person is in violation of the provisions of Section 82 of Cr.P.C. He has submitted that now the petitioner is ready to join the proceedings. He has thus submitted that the impugned order being unsustainable in the eyes of law, deserves to be set aside. He has submitted that the petitioner be granted protection for appearing before the trial Court.

5. Learned counsel for the State has opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner has rightly been declared as proclaimed person, who remained absent from the Court despite orders without any valid reason.

6. Heard.

7. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in a complaint case bearing NACT No.2123 of 2018 titled '*Fortis Hospitals Limited vs. Karan Kumar Sukhija*' under Sections 138 and 141 of Negotiable Instruments Act. However, the petitioner remained absent as he was never served with any notice of proclamation under Section 82 of Cr.P.C. and thereafter he was declared as proclaimed person. Without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceed to decide the matter as now the petitioner is ready and keen



to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 09.03.2023 declaring the petitioner as proclaimed person is *set aside* subject to payment of costs of Rs.35,000/- to be paid to the Spinal Rehab Centre, Sector 28-A, Madhya Marg, Chandigarh, within a period of 07 days from the date of receipt of certified copy of this order. The petitioner is directed to appear before the trial Court within a period of 10 days from the date of receipt of certified copy of this order and files appropriate application along with the receipt of deposit of above-said costs, then the trial Court will admit him to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioner will have protection from arrest for a period of 10 days from the date of receipt of certified copy of this order.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, he have no benefit of this order and the order dated 09.03.2023 declaring the petitioner as proclaimed person would stand automatically revived and the present petition shall be deemed to have been dismissed.

16.04.2026

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE