

2026:PHHC:076824



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

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CRM-M-27430-2026
Date of decision: 14.05.2026

HIRA SINGH

... Petitioner

VERSUS

JASKIRAT SINGH

... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY.

Present : Mr. Vishal Sharma (Vasudeva), Advocate
for the petitioner.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the impugned order dated 23.05.2025 (Annexure P-2), whereby non-bailable warrants of the petitioner have been issued and an impugned Order dated 19.08.2025 (Annexure P-3) passed by the trial Court, whereby petitioner has been declared 'Proclaimed Person' and subsequent proceedings arising therefrom in the proceedings under Section 138 of the Negotiable Instruments Act vide complaint NACT No.36 of 2024 dated 03.05.2024 (Annexure P-1).

2. Learned counsel submits that the petitioner was summoned by the trial Court to face trial under Section 138 of Negotiable Instruments Act, 1881, wherein he put in appearance on 09.09.2024 and notice of accusation was served upon him on 04.02.2025; but on 23.05.2026 due to non-appearance of the petitioner, non-bailable warrant was ordered to be issued against him followed by a proclamation, whereupon he was declared as 'proclaimed person' vide order dated 19.08.2025, however, the mandatory compliance of Section 82

Cr.P.C. was not made since the prescribed period of 30 days was not given to the petitioner to appear before the trial Court. He could not put his appearance due to his medical health condition due to which he remained admitted in BBMB Hospital, Nangal for about 7 days and thereafter remained bedridden for about 2 weeks. He is a government employee and serving as Foreman in BBMB Nangal and remained on leave for about 3 weeks during that period. 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.

3. Notice of motion.

4. At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab, accepts notice on behalf of the respondent-State and submits that the impugned order 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 vs. State of Punjab and another**, CRM-M-49283-2021, decided on 16.12.2021, 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 willful 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 his 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 aforementioned judgments and the facts and circumstances of the case, the impugned order dated 19.08.2025, Annexures P3 is set aside.

11. He is directed to surrender before the trial Court on or before 25.05.2026 and on so doing, shall release him on bail subject to its satisfaction and payment of Rs.10,000/- as costs to the complainant. 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 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

MAY 14.2026
Rajender

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