

2026.PHHC.080088



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

144

CRM-M-29029-2026 (O&M)

Date of decision: 21.05.2026

Rahul Gagera**...Petitioner****Versus****U.T., Chandigarh and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Sumit Jain, APP, U.T., Chandigarh.
(Through VC)

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 19.05.2025 (Annexure P-9), passed by the Court of learned Judicial Magistrate First Class, Chandigarh in case titled as ***Sidh Logistics v. Boutique Sprit Brands P. Ltd. and other, State vs. Boota Singh***, filed under Section 138 of the Negotiable Instruments Act, 1881 (for short 'N. I. Act'), whereby the petitioner had been declared a proclaimed person.

2. After hearing learned counsel for the parties and perusing the material placed on record, it is revealed that on 13.03.2025, since the non-bailable warrants issued against the petitioner were received back unserved, the learned trial Court had ordered for issuance of proclamation against him for 19.05.2025. A bare perusal of this order shows that the learned trial Court before ordering for publication of proclamation has not recorded its proper satisfaction that the petitioner had absconded or was concealing himself so

2026.PHHC.080088



that the warrant of arrest, previously issued, cannot be executed, despite reasonable diligence, which was in violation of the provisions of Section 82(1) of Cr.P.C. Reliance in this regard can be placed upon ***Rohit Kumar Vs. State of Delhi : 2008 Crl. J. 2561.***

3. Accordingly, the present petition is allowed and the 19.05.2025 (Annexure P-9), passed by the Court of learned Judicial Magistrate First Class, Chandigarh in case titled as ***Sidh Logistics v. Boutique Sprit Brands P. Ltd. and other, State vs. Boota Singh***, filed under Section 138 of the N. I. Act, whereby the petitioner had been declared a proclaimed person, is quashed with all consequential proceedings arising therefrom.

4. The petitioner is directed to surrender before the learned trial Court within a period of 02 weeks from today and on doing so, the learned trial Court shall release him on bail, subject to his furnishing personal/surety bonds to its satisfaction.

5. Till the appearance of the petitioner before the learned trial Court, his arrest shall remain stayed.

6. It is made clear that in case the petitioner fails to appear before the learned trial Court within the stipulated time, this petition shall be deemed to be dismissed.

21.05.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No