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

CRM-M-30239-2026

Date of decision :26.05.2026

Wasim

.....Petitioner

versus

State of U.T. Chandigarh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. K.S. Rathour, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. P.P., U.T. Chandigarh.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 04.02.2023 (Annexure P-17) passed by learned Judicial Magistrate First Class, Chandigarh, whereby the petitioner has been declared as a proclaimed person in Criminal Complaint case No.4912-2019, under Section 138 of Negotiable Instruments Act.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the impugned complaint under Section 138 of the Negotiable Instruments Act. He submits that at the time of filing the complaint, the complainant did not provide the correct and complete address of the petitioner. He submits that due to the incorrect and incomplete address furnished by the complainant, the petitioner remained unserved. He submits that without complying with the provisions as envisaged under Section 82 Cr.P.C. proclamation



proceedings were initiated against the petitioner and ultimately, he was declared as a proclaimed person vide impugned order dated 04.02.2023 (Annexure P-17). He further submits that petitioner was neither served with any ordinary service nor with any substituted service as the address and particulars furnished by the complainant was neither complete nor accurate. He submits that the petitioner had no knowledge of the ongoing legal proceedings and thus, the absence of the petitioner was not intentional but a result of lack of information. He submits that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail, if any imposed by this Court.

3. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly declared the petitioner as proclaimed person, who remained absent despite orders.

4. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent despite order and he was declared as proclaimed person. The reason given by the petitioner for his absence is that he was never personally served with any summons or warrants in the said complaint. But now the petitioner is keen and ready to join the proceedings and face the trial. So keeping in view the abovesaid facts, the present petition is disposed of and order dated 04.02.2023 is *set aside* subject to payment of Rs.10,000/- as costs to be deposited in the trial Court concerned within ten days from the date of receipt of certified copy of this order, which will be paid to the complainant/respondent No.2. The trial Court will issue notice to the complainant and on his appearance Rs.10,000/- cost deposited by the petitioner will be released to him forthwith. 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, 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.

5. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 04.02.2023 would come in force and the present petition shall be deemed to have been dismissed.

26.05.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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