

2026:PHHC:085862



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

176

CRM-M-31501-2026 (O&M)

Date of decision: 29.05.2026

Sitaram Mishra

... Petitioner

Vs.

State of Haryana and another

... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Naresh K. Ganga, Advocate for the petitioner.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the impugned order dated 07.05.2026, Annexure P4, passed by learned Judicial Magistrate 1st Class, Panchkula, in case CIS No.NACT 418 of 2021, vide which the petitioner was declared as proclaimed person.

2. Learned counsel submits that the petitioner had furnished bail bonds before the trial Court in the complaint filed under Section 138 of NI Act, whereupon the matter was referred to the Mediation and Conciliation Centre and some amounts were transferred by him to respondent No.2 as well regarding which orders dated 02.09.2022 to 06.04.2026, Annexure P2, are referred. He, however, due to illness of his wife, medical record is appended as Annexure P3, was unable to appear before the Court and was declared as proclaimed offender vide order dated 07.05.2026. The procedure prescribed under Section 82(1) Cr.P.C. has not been complied with in letter and spirit while declaring him as proclaimed offender. 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. BS Saroha, DAG, Haryana, 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. No order prejudicial to the rights of the private respondent is being proposed to be passed by this Court, thus there is no requirement of effecting service upon him.

6. Heard.

7. 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.

8. 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.

9. 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.

10. 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 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.

11. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 07.05.2026, Annexure P-4, is set aside.

12. He is directed to surrender before the trial Court on or before 15.06.2026 and on so doing, shall release him on bail subject to its satisfaction and costs of Rs.10,000/- to be paid to respondent No.2. 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.

13. The petition is disposed of.

14. 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.

29.05.2026
ashok

(AMAN CHAUDHARY)
JUDGE

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