

2026.PHHC.051180



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

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Date of decision: 02.04.2026

1. CRM-M-63681-2023

2. CRM-M-63684-2023

GURVINDER SINGH V/S UT CHANDIGARH AND ANR

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ramesh Chand Sharma, Advocate for the petitioner.
Mr. Samir Rathour, Addl. PP, UT Chandigarh.
Ms. Isha Goyal, Advocate for respondent No.2. (through VC)

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petitions for quashing the impugned order dated 12.09.2023 passed by learned Judicial Magistrate First Class, Chandigarh, in complaint cases No.NACT-4729 and 4730/2022 dated 30.07.2022 filed under Section 138 of NI Act, vide which the petitioner was declared as proclaimed person.

2. Learned counsel submits that the petitioner did not receive summons in the complaint filed under Section 138 of the Negotiable Instruments Act, on account of the fact that the petitioner had shifted his place of business to Property No.2053/18 Dr. Ambedkar Nagar Near Mohall Fatehganj Ludhiana, Annexures P4 to P8 while in the complaint, his previous address was mentioned. Thus, the procedure prescribed under Section 82 Cr.P.C. has not been complied with in letter and spirit. 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. Learned counsel for the UT Chandigarh submits that the order passed against the petitioner is legal and valid on account of the fact that he had absented from the proceedings before the trial Court without any just cause

4. Learned counsel for respondent No.2 submits that she has no objection to setting aside the impugned order.

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. In the case of **Satish Chouhan vs. State of Punjab & Anr.**, CRM-M-3795-2023, decided on 10.02.2023, this Court held that where the accused had already sold his house long before the process was issued and had shifted elsewhere, the proclamation served at the old address could not be treated as due service, and the mandatory provisions of Section 82 Cr.P.C. were not complied with. On those facts, the order declaring the petitioner therein as a proclaimed offender was quashed.

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 their 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 petitions are allowed.

11. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 12.09.2023, Annexure P-3, is set aside.

12. He is directed to surrender before the learned trial Court on or before 15.04.2026 and deposit Rs.10,000/- (in each case) as costs with Shri Sanatan Dharma Adhyan Kendra (Regd.), A/c No.0575000100044792, Punjab National Bank, Sector 16-D, Chandigarh and Shree Mata Mansa Devi Bhandar Committee Charitable Trust (Regd.) having its Account No.50100238189041, IFSC Code-HDFC0000108, HDFC Bank, Sector-8, Panchkula. 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 petitions are 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 petitions shall be deemed to have been dismissed without any reference to this Court.

15. Photocopy of this order be placed on the connected file(s).

(AMAN CHAUDHARY)
JUDGE

02.04.2026
ashok

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