



146

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

**CRM-M No.68677 of 2025
Date of decision: 13.01.2026**

Sukhdeep Singh**.....Petitioner****versus****State of Punjab and another****..... Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Gagandeep Singh Virk, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing/setting aside the order dated 28.10.2024 (Annexure P-5) passed by the learned Judicial Magistrate Ist Class, Bathinda in complaint case bearing NACT-1498-2023 dated 07.03.2022, under Section 138 of Negotiable Instruments Act vide which the petitioner was declared as proclaimed person without adopting due procedure of law.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in a complaint case filed under Section 138 of the Negotiable Instruments Act. He has submitted that after registration of the complaint, the petitioner was admitted to bail by the learned Judicial Magistrate Ist Class, Bathinda vide order dated 16.03.2023. He has submitted that thereafter the petitioner was regularly appearing before the learned trial Court. He has submitted that time and again, the matter was adjourned for settlement of dispute as there are



chances of amicable settlement. He has submitted that counsel appearing before the learned trial Court for the petitioner, without any instructions, had withdrew his power of attorney and due to which, the petitioner failed to appear and the learned trial Court, vide order dated 14.08.2024, cancelled the bail order of the petitioner and non bailable warrants issued against him. He has submitted that thereafter the proclamation under Section 82 Cr.P.C. was initiated against the petitioner. He has submitted that the learned trial Court vide order dated 28.10.2024 declared the petitioner as proclaimed person. He has submitted that the order declaring the petitioner as proclaimed person is in violation of the provisions of Section 82 of Cr.P.C. He has submitted that the petitioner has good case on merits and absence of the petitioner is neither intentional nor wilful. He has submitted that the petitioner is keen to join the proceedings. He has thus submitted that the petitioner be granted protection for appearing before the learned trial Court.

3. Notice of motion to official respondent No.1 at this stage.

4. On asking of the Court, Mr. Rituraj Singh, DAG, Punjab, appears and accepts notice on behalf of respondent No.1-State. He has opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner has rightly been declared as proclaimed person as he remained absent from the Court without any valid reason.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in a complaint filed under Section 138 of Negotiable Instruments Act. The petitioner was thereafter admitted to bail by the learned trial Court. However, the petitioner remained absent as he was never served with any notice of proclamation



under Section 82 of Cr.P.C. and thereafter he was declared as proclaimed person. As submitted by learned counsel for the petitioner that the petitioner is ready to surrender before the Court and face the trial. Without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceeds to decide the matter as now the petitioner is ready and keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 28.10.2024 is hereby *set aside* subject to payment of costs of Rs.10,000/- to be paid to **the Society for the Care of Blind, Sector 26, Chandigarh** within a period of 07 days from the date of receipt of certified copy of this order. 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 along with receipt of deposit of above-said costs, 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.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, she has no benefit of this order and the order dated 28.10.2024 would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

(RAJESH BHARDWAJ)
JUDGE

13.01.2026

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