



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

173

CRM-M-69937-2025 (O&M)

Date of decision: 25.02.2026

Surjeet Singh

....Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kuldip Singh, Advocate for the petitioner

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the impugned order dated 23.09.2024 passed by learned Judicial Magistrate First Class-3, Abohar, in complaint case No.NACT-1033-2022 dated 08.09.2022 filed under Sections 138, 141, 142 of NI Act, vide which the petitioner was declared as proclaimed person.

2. Learned counsel submits that the petitioner was summoned in a complaint under Section 138 NI Act, initially granted bail vide order dated 17.07.2023, whereafter, he continued to appear regularly before the trial Court but for 02.07.2024 on account of having noted down the wrong date as 02.08.2024, due to which, his bail was cancelled and bail/surety bonds were forfeited to State. Consequently, he was declared proclaimed person vide order dated 23.09.2024, however, the same having not been read in public, thus the provisions were not 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. Notice of motion.

4. At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State and 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.

5. No order prejudicial to the rights of the private respondent is being proposed to be passed by this Court, thus no notice is required to be issued.

6. Heard.

7. In **Gurbir Singh Mundi** (supra), 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 23.09.2024, Annexure P-11, is set aside.

12. He is directed to surrender before the learned trial Court on or before 10.03.2026 and deposit Rs.15,000/- as costs with the Shri Krishna Gaushala Charitable Trust, Saketri, having its account No.02442010040010, IFSC Code:PUNB0118300, Bank–PNB, Manimajra. 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 petitioners do not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

25.02.2026

M.Kamra

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