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

123+325

CRM-M-15620-2025 (O&M)

Date of decision: 23.07.2025

Dhruv Garg

...Petitioner

Versus**M/s Bharat Plywood Industries**

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Meena Bansal, Advocate
for the applicant-petitioner.

MANISHA BATRA, J. (Oral)**1. CRM-17859-2025**

Allowed as prayed for.

Documents are taken on record.

2. CRM-M-15620-2025 (O&M)

The instant petition has originally been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of Complaint bearing No. 1072 of 2015, dated 28.10.2015, titled as *M/s Bharat Plywood vs. Dhruv Gupta*, filed under Sections 138/142 of the Negotiable Instruments Act, 1881 and Sections 415 and 420 of IPC, pending before the Court of learned Sub Divisional Judicial Magistrate, Nabha on the basis of a compromise arrived at between the parties. However, vide order dated 21.03.2025, the petitioner has restricted his prayer only to the extent of quashing of order dated 26.04.2016, whereby he had been declared a proclaimed person in the aforesaid proceedings.

3. It is argued by learned counsel for the petitioner that she was not aware of pendency of aforesaid complaint against her as she has been residing

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in Guwahati since the year 2020. More so, the petitioner had been declared a proclaimed person without following the proper procedure prescribed under Section 82 of Cr.P.C. Even otherwise, a compromise has been arrived at between the parties. He is ready to join the Court proceedings. Hence, it is urged that the impugned order is liable to be set aside.

4. I have heard learned counsel for the petitioner at considerable length and have also gone through the material placed on record.

5. On giving due deliberations to the contentions as raised by learned counsel for the parties and on an overall perusal of the orders passed by the learned trial Court from the date of initiating proceedings under Section 82 Cr.P.C. as against the petitioner till the date of declaring him a proclaimed person, I am of the considered opinion that the impugned order dated 26.04.2016 suffers from some illegalities and is liable to be quashed with all the consequential proceedings arising therefrom.

6. After going through the material placed on record as well as the copies of zimni orders passed by the learned trial Court, it is revealed that on 19.03.2016, since the non-bailable warrants issued against the petitioner were received back unserved, the learned trial Court had ordered for issuance of proclamation against him for 26.04.2016. A bare perusal of this order shows that the learned trial Court before ordering for publication of proclamation has not recorded its proper satisfaction that the petitioner had absconded or was concealing himself so that the warrant of arrest, previously issued, cannot be executed, despite reasonable diligence, which was in violation of the provisions of Section 82(1) of Cr.P.C. Reliance in this regard can be placed upon *Rohit Kumar Vs. State of Delhi : 2008 Crl. J. 2561*.

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7. The petitioner has also taken a plea that he has been residing in Guwahati since the year 2020 and has placed on record certain documents, which supports his claim. Hence, it can be assumed that the process issued by learned trial Court never reached the petitioner. Even otherwise, the matter stands amicably settled between the parties.

8. Accordingly, in view of the discussion as made above and also in view of the ratio of law as laid down in above cited authorities, the present petition is *partly* allowed and the impugned order dated 26.04.2016 (Annexure P-2), passed by the Court of learned Judicial Magistrate First Class, Nabha in the aforesaid case, whereby the petitioner had been declared a proclaimed person, is quashed with all consequential proceedings arising therefrom.

9. Keeping in view the fact that the petitioner is ready to join the Court proceedings which would obviously help in speedy conclusion of trial, he is directed to surrender before the learned trial Court within a period of 04 weeks from today and on doing so, the learned trial Court shall release him on bail, subject to his furnishing fresh personal/surety bonds to its satisfaction.

10. Keeping in view the fact that the petitioner is ready to join the Court proceedings, he is directed to surrender before the learned trial Court within a period of 15 days from today and on doing so, the learned trial Court shall release him on bail, subject to his furnishing personal/surety bonds to its satisfaction.

11. Till the appearance of the petitioner before the learned trial Court, his arrest shall remain stayed.

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12. It is made clear that in case the petitioner fails to appear before the learned trial Court within the stipulated time, this petition shall be deemed to be dismissed.

23.07.2025

Waseem Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No