



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

**CRM-M-28377-2025
DECIDED ON: 22.05.2025**

AMAR SINGH

.....PETITIONER

VERSUS

PARDEEP KUMAR

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Manoj Pundir, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of the Bhartiya Nagrik Suraksha Sanhita for quashing of order dated 20.09.2023 (Annexure P-9) passed by the learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri vide which the petitioner has been declared a Proclaimed Person in a criminal complaint no. 1830/2018, dated 24.09.2018 titled as "Pardeep Kumar Vs Amar Singh", filed under section 138 of Negotiable Instruments Act and all consequential proceedings arising out of the said order.

Learned counsel for the petitioner submits that it is only on one occasion i.e. on 23.01.2023, when the petitioner could not appear before the trial Court, however, he has been continuously appearing on each and every date. He further submits that the absence of the petitioner on the said date is stated to be on account of death in his relation, which he had communicated to his counsel over the phone with instructions to file an application seeking exemption from personal appearance. However, his counsel failed to act upon the request. Due to his absence on 23.01.2023, his bail stands cancelled and bail/surety bonds were forfeited to the State and thereafter, non-bailable warrants were issued against him on 24.01.2023, 02.02.2023 and 24.03.2023, which were never served upon him and vide order dated 02.06.2023 (Annexure P-6), proclamation has been issued against the

petitioner under Section 82 Cr.P.C. He further contends that the vide order dated 20.09.2023 (Annexure P-9), the petitioner was declared as proclaimed person without following the mandatory provisions of Section 82 Cr.P.C.

He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

In view of the above, the petitioner is directed to surrender before the trial Court within a period of one week from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

There is no denial to the fact that due to petitioner's act, delay has occurred in trial proceedings and has caused prejudice to the other side and to compensate the delay which is caused by the petitioner alone, he is directed to deposit penalty of Rs.5,000/- with Punjab and Haryana High Court Bar Association and a receipt of the same be produced before the trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

22.05.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No