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

CRM-M-29527-2025

Date of Decision: 27.05.2025

Anant Precisions Pvt. Ltd. and another
Versus

..... Petitioners

Ashish Travel & Tours

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Manuj Nagrath, Advocate, for the petitioners.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 15.03.2024 (Annexure P-9) passed by learned Judicial Magistrate First Class, Pathankot, whereby, the petitioners have been declared as proclaimed persons in a complaint case under Section 138 of the Negotiable Instruments Act bearing NACT No.805 of 2021 titled as Ashish Travel and Tour vs Anant Precessions Pvt. Ltd.

2. It has been contended by learned counsel for the petitioners that the petitioners have been falsely prosecuted in the present case. He submits that summons/bailable warrants/non-bailable warrants were never served upon the petitioners and they were illegally declared as proclaimed persons vide order dated 15.03.2024 in violation of provisions of Section 82 Cr.P.C. He submits that the absence of the petitioners was totally unintentional and beyond their control. He submits that now petitioners are keen to join the proceedings and face the trial in the above said case and comply with the condition, if any imposed by the Court and as such the order dated 15.03.2024 to be set aside.

4. After hearing learned counsel for the petitioners and perusing the record, it is evident that due to non-appearance of the petitioners, they were declared as proclaimed persons on 15.03.2024. The Court without



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going into the authenticity of the ground taken for the absence of the petitioners, deems it appropriate to direct them to appear before the Court concerned to face the trial in the present case, as now they are keen to join the proceedings and face the trial. In these circumstances, when the petitioners are ready to join the proceedings and face the trial, no useful purpose would be served by sending them behind the bars, therefore, the order dated 15.03.2024 is set aside subject to payment of Rs.10,000/- as costs to be paid by the petitioners to **Punjab and Haryana High Court Employees Welfare Association, Chandigarh** within a period of seven days from today

6. The petitioners are directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs of Rs.10,000/- and the trial Court would grant them bail till the disposal of the case on their furnishing bail/surety bonds subject to its satisfaction. The petitioners will have protection from arrest for a period of ten days from today. The trial Court is free to impose any condition it likes on the petitioners while admitting them to bail.

7. Needless to say that in case the petitioners fail to comply with the abovesaid direction, this order would be of no avail to them and the order dated 15.03.2024 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

27.05.2025
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No