

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202

2025:PHHC:123312



CRM-M-20400-2022 (O&M)

Date of decision: 09.09.2025.

KASHI NATH RAMGONDA KANDE

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- None for the petitioner(s).

Ms. Chhavi Sharma, AAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present petition is to the order dated 27.11.2019 passed in Case No.4206/2018 instituted on 29.05.2018 under Section 138 of the Negotiable Instruments Act, 1881 and FIR No.24 dated 10.01.2020 under Section 174-A of the Indian Penal Code, 1860, registered at Police Station, Karnal City, District Karnal.

2 Status report already filed on behalf of the respondent-State is taken on record.

3 There is no representation on behalf of the petitioner(s).

4 Hence, Ms. Diksha Mahajan, Advocate, (PH-6233-2024, Mobile

No.8558872121) is appointed as legal-aid-counsel to assist this Court on behalf of the petitioner. She has gone through the paper book of the State counsel and submits that the petitioner is resident of Maharashtra and that as per the service report, the summons as well as warrants were not executed due to non-availability of the petitioner at the address given in the warrants. Once there was no person available on the address mentioned in the warrants, there was no occasion for issuance of proclamation against the petitioner. The business premises given in the notice issued by the Court had been closed for more than five years before passing of the order. The speed post as well as summons have also not been received, yet, the proclamation was carried out. She further contends that as per the reply filed by the respondent-State dated 15.12.2023, the petitioner had already appeared before the trial Court on 10.01.2020 and was granted bail. The petitioner has since then been appearing in the Court and there is no allegation that he has not joined.

5 Having heard the learned counsel for the parties and having gone through the documents appended along with the present petition as well as in view of the judgment in the matter of **Ashok Madan Vs. State of Haryana and another, passed in CRM-M-51783-2018, decided on 28.05.2019** relied upon by the counsel for the petitioner, the impugned order dated 27.11.2019 passed in Case No.4206/2018 instituted on 29.05.2018 under Section 138 of the Negotiable Instruments Act, 1881 along with all the consequential proceedings are set aside. The petitioner, however, shall continue to appear before the trial Court.

6 The present petition stands allowed accordingly.

7 A copy of this order be also sent to the High Court Legal Services Committee, for further necessary action.

September 09, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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