



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

CRM-M-25788-2025

Date of Decision: 12.05.2025

Robin Batra

..... Petitioner

Versus

Gurcharan Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Lalit Singla, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present second petition is for quashing of the order dated 16.02.2024 (Annexure P-7) passed by learned Judicial Magistrate First Class, Fazilka in a complaint under Section 138 of the Negotiable Instruments Act, 1881 bearing No.NACT/513/2022 titled as Gurcharan Singh vs. M/s Durga Rice Mills, and all the subsequent proceedings arising therefrom.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the complaint under Section 138 of the Negotiable Instruments Act. He submits that in the complaint filed by the complainant, the petitioner was summoned through ordinary means and thereafter,ailable and non-ailable warrants were issued against him and ultimately, he was declared as proclaimed person vide order dated 16.02.2024. He has submitted that neither the petitioner was aware about the proceedings initiated against him nor any service was effected on him. He submits that the absence of the petitioner was totally unintentional and beyond his control. He submits that now petitioner is keen to join the



proceedings and face the trial in the above said case and comply with the condition, if any imposed by this Court and as such the order 16.02.2024 be set aside.

3. After hearing learned counsel for the petitioner and perusing the record, it is evident that due to non-appearance of the petitioner, he was declared as proclaimed person on 16.02.2024. The Court without going into the authenticity of the ground taken for the absence of the petitioner, deems it appropriate to direct him to appear before the Court concerned to face the trial in the present case, as now he is keen to join the proceedings and face the trial. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, no useful purpose would be served by sending him behind the bars, therefore, the order dated 16.02.2024 is set aside subject to payment of Rs.10,000/- as costs to be paid by the petitioner to the **Society for the Care of Blind, Sector-26, Chandigarh** within a period of seven days from today

4. The petitioner is 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 him bail till the disposal of the case on his furnishing bail/surety bonds subject to its satisfaction. The petitioner 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 petitioner while admitting him to bail.

5. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 16.02.2024 will come in force and the present petition shall be

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deemed to have been dismissed.

6. Petition stands disposed of in abovesaid terms.

12.05.2025

sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No