



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

CRM-M-42953-2025

Date of Decision:19.08.2025

MINNI

...Petitioner

Vs.

STATE OF PUNJAB AND ANR

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ranwant Singh Sangha, Advocate for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

The present petition has been filed under Section 528 of the BNSS, 2023 for quashing of the order dated 05.12.2022 (Annexure P-5) whereby the petitioner has been declared as a Proclaimed Person in the complaint case titled as "Amninderjit Singh vs Minni etc. " bearing no. NACT/3644/2019, under Section 138 of Negotiable Instruments Act pending before the Court of Ld. JMIC, Amritsar, in view of the fact that the present petitioner was wrongly declared a proclaimed person, in violation of the procedure laid down in Criminal Procedure Code, 1973.

Learned counsel for the petitioner submits the husband of the petitioner-Hardeep Singh, had certain financial dealings with the respondent no. 2-Amninderjit Singh and a cheque bearing no. 773828 dated 10.05.2019 was signed and issued by Hardeep Singh which got dishonoured upon presentation on 14.05.2019, leading to the filing of the complaint under Section 138 of the N.I. Act. He further submits that since the firm was a sole proprietorship and was registered in the name of the petitioner, she was impleaded in the complaint. The Petitioner had no knowledge and role in the



issuance of the said cheque or any transaction. He further submits that the registered address of Avid Shots Solutions is shown to be IT-C6, Sebiz Square. Sector 67. Mohali and the 2nd address (residential) continues to be house No. 808. Phase-11. Mohali, which she had vacated and shifted to New Chandigarh. She was not residing at the said address and hence never received any notice, summons or bailable/non-bailable warrants pertaining to Complaint Case No. NACT/3644/2019. He further submits that the petitioner was completely unaware of the pendency of the said complaint under Section 138 NI Act and came to know only when the respondent no. 2 directly contacted her demanding his money and informed her that she had been declared a Proclaimed Person in the said proceedings. Learned counsel for the petitioner further undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default.

Notice of motion.

On the asking of the Court, Mr. J.S. Rattu, DAG, Punjab, accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that she will surrender before the trial Court.

Without addressing the merits of the case or the legality of the order, as the same has not been contested by the learned counsel for the petitioner, has voluntarily agreed to join the proceedings before the trial court on 28.08.2025 and to pay a penalty of Rs. 15,000/- to the Punjab & Haryana High Court Bar Lawyer's Family Welfare Fund, Account No.41564846387,



IFSC Code: SBIN0050306 Bank Name-SBI High Court Branch for causing unwarranted delay in the trial proceedings, the order dated 05.12.2022, Annexure P-5, is hereby set aside.

However, the aforesaid order would be subject to fulfillment of undertaking given before this Court on behalf of the petitioner that she will surrender before the trial Court on 28.08.2025. If any application seeking bail is moved by the petitioner, the same be considered by the Court below preferably on that very day in accordance with law.

The amount so deposited by the petitioner shall not be construed as cost for this order but penalty for stalling the court proceedings by evading himself from trial for a long time.

The petition stands disposed off in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

19.08.2025
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*