



CRM-M-30806-2025

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

CRM-M-30806-2025**Date of decision:29.05.2025****MANISH GUPTA**

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL**Present:** Mr. Akash Manocha, Advocate
 for the petitioner.

H.S. GREWAL J. (Oral)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 20023 seeking quashing of order of proclamation dated 31.10.2022 (Annexure P-4) passed by learned Judicial Magistrate Ist Class, Ambala arising out of complaint No.NACT-801/2019 titled as 'Sanjeev Kumar Verma Vs. Manish Gupta' under Section 138 of Negotiable Instruments Act, 1881 whereby the petitioner has been declared as a proclaimed person.

2. Learned counsel for the petitioner contends that summoning order dated 29.11.2019 was received back unserved as his father who is 85 years of age, refused to receive the same. Due to lack of communication, the petitioner was never told about the summons and warrants which have been issued to procure the presence of the petitioner. Subsequently, on 31.10.2022 the learned trial Court has failed to adopt legal procedure while declaring the petitioner as proclaimed person. However, he submits that the petitioner is ready and willing to join the proceedings and shall appear before the trial Court as and when required. Learned counsel for the petitioner, on instructions further submits that



the petitioner undertakes to appear before the trial Court concerned on each and every date and shall not seek any exemption for his personal appearance on any date of hearing before the trial Court. Hence, in the aforementioned facts and circumstances, the petitioner prays that directions be issued to the Trial Court concerned that his bail application, which he would be filing on his surrender, be decided.

3. Notice of motion.

4. Mr. Parveen Kumar Aggarwal, DAG, Haryana, accepts notice on behalf of the respondent-State.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. In view of the limited prayer made by the petitioner, this Court deems it appropriate to decide the petition, without issuing notice to respondent No.2. Keeping in view the facts and circumstances of the case and limited prayer made by the counsel for the petitioner, this Court does not find any legitimate ground to interfere in the impugned order dated 31.10.2022 passed by learned Judicial Magistrate Ist Class, Ambala. The present petition is disposed of with a direction to the petitioner to appear and surrender before the trial Court concerned within a period of 07 days from today at 10.00 A.M. and may file application for bail before the trial Court. The same be considered and decided by the trial Court concerned on the same day, in accordance with law.

29th May, 2025

Sonia Puri

Whether speaking/ reasoned

Whether reportable

: Yes / No

: Yes / No

(H.S. GREWAL)

JUDGE