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**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

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CRM-M-49435-2025 (O & M)

Date of decision: 05.09.2025

VEENA BATRA

...Petitioner

Versus

UT CHANDIGARH

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. J.P.Jangu, Advocate,  
for the petitioner.

Mr. Adhiraj Toor, Advocate for  
Mr. J.S.Toor, APP, U.T. Chandigarh.

**AMAN CHAUDHARY, J. (ORAL)**

1. Prayer made in the present petition filed under Section 528 of BNSS, 2023, for quashing of order dated 30.11.2024, Annexure P-2, passed by learned Judicial Magistrate Ist Class, Chandigarh, in case bearing NACT-849-2023 dated 03.02.2023, titled as 'Het Ram Beniwal vs. Veena Batra, whereby the petitioner has been declared as proclaimed person.

2. Learned counsel submits that the petitioner was though summoned in a complaint filed under Section 138 of the NI Act, however, never served either through bailable or non-bailable warrants, whereupon she was declared a proclaimed person, vide the impugned order, therefore,

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the provisions of Section 82 Cr.P.C cannot be said to have been complied with in letter and spirit. The case file has been consigned to the record-room with liberty to the complainant to revive the same as and when he comes to know about the property of the accused by moving separate application. However till date, no FIR under Section 174-A IPC has been registered against her. Further that, she is suffering from ortho diseases and entire year of 2024 was spent by her either visiting or being admitted in the hospital as well as for regular check-ups, the medical record whereof has been appended as Annexure P-3. Her absence is neither wilful nor deliberate and on account of the reason aforesaid. She is ready and willing to join the proceedings and it is prayed that one opportunity may be granted to her to surrender before the learned trial Court. To buttress the submission, reliance is placed on the judgments of this Court in **Gurbir Singh Mundi vs. State of Punjab and another** CRM-M-49283-2021, decided on 16.12.2021.

3. Learned counsel for the respondent-U.T. Chandigarh submits that the petitioner has rightly been declared proclaimed person for having absented.

4. In the case of **Gurbir Singh Mundi** (supra), it was held that provisions of Section 82(2) Cr.PC. are to be mandatorily complied with cumulatively and not alternatively. The Court had quashed the order declaring the petitioner therein as proclaimed person on the ground that declaration was not read publicly in some conspicuous place of town or village, in which the accused ordinarily resides.

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5. Heard.

6. The very purpose of initiation of proclamation proceedings, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

7. Adverting to the facts of the present case, the reasons for non-appearance of the petitioner that led to the passing of the impugned order, appear to be justified. At times, the accused can be prevented by sufficient reasons to put an appearance before the Court and such an absence cannot necessarily be construed as deliberate and wilful. However, it is incumbent upon her to join the proceedings, before the trial Court, for the culmination of the same. Considering the fact that the absence of the petitioner was not wilful or deliberate and her readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioner, no prejudice shall be caused to any of the parties, rather her joining the proceedings would help in expediting the trial. This Court in light of the judgment referred to above being applicable to the instant case, finds that the ends of justice would be adequately met if the present petition is allowed.

8. In view of the afore-mentioned judgment and the facts and circumstances of the case, the impugned order dated 30.11.2024, Annexure P-2, is set aside, subject to surrender by the petitioner before the trial Court on or before 20.09.2025 and payment of Rs.10,000/- as costs to the complainant. On furnishing bail/surety bonds, the trial Court shall release her on bail subject to its satisfaction. She is also directed to

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furnish an undertaking by way of an affidavit that she will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. She shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

9. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

05.09.2025

parveen kumar

**(AMAN CHAUDHARY)**  
**JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No