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

CRM-M-20898-2026

Date of Decision: 13.05.2026

Faljit Singh @ Faljeet Singh

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Balwant Singh, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 30.09.2025 (Annexure P-6) passed by learned JMIC, Jalandhar, vide which the petitioner has been declared proclaimed person in a complaint No.NACT-2407-2024 titled as Amrit Malwa Capital Ltd. Vs. Faljit Singh, under Sections 138/142 of the Negotiable Instruments Act, 1881.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is submitted that the petitioner was never served in the present case as the requisite RC/AD was not filed by respondent No.2-complainant for service of the petitioner, which is evident from the zimini order placed on record. He contends that however, learned trial Court has illegally passed the impugned order dated 30.09.2025 and declared the petitioner as proclaimed person in blatant violation of the mandatory provisions of Section 82 Cr.P.C. It is further submitted that the petitioner's absence was neither deliberate nor intentional, but occurred due to circumstances beyond his control. The petitioner is now willing to appear before the Court concerned and comply



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with any conditions imposed by the Court. Accordingly, it is prayed that the order dated 30.09.2025 declaring the petitioner a proclaimed person be set aside.

3. Notice of motion.

4. Mr. Ekompal Sagoo, AAG, Punjab, accepts notice on behalf of the State and controverts the submissions made on behalf of the petitioner and submits that the petitioner deliberately avoided the process of law and remained absconding despite issuance of warrants. It is contended that due procedure under Section 82 Cr.P.C. was duly followed and sufficient opportunities were afforded to the petitioner to appear before learned trial Court.

5. Mr. Bhriagu Dutt Sharma, Advocate, put in appearance for respondent No.2 and has opposed the submissions made by learned counsel for the petitioner.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was declared as a proclaimed person vide order dated 30.09.2025 due to his non-appearance. Without entering into the merits or examining the authenticity of the grounds urged for the petitioner's absence, this Court deems it appropriate to set aside the order dated 30.09.2025 declaring the petitioner as a proclaimed person. Accordingly, the said order is set aside, subject to payment of Rs.20,000/- (Rupees Twenty Thousands only) to be paid to the complainant on his appearance before the trial Court.

7. The petitioner is directed to appear before the trial Court within a period of ten days from the date of receipt of copy of this order and file an



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appropriate application alongwith receipt of costs of Rs.20,000/-. The petitioner will have protection from arrest till ten days from the date of receipt of copy of this order.

8. 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 30.09.2025 will come in force and the present petition shall be deemed to have been dismissed.

9. Petition stands disposed of in abovesaid terms.

13.05.2026
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No