



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

138

CRM-M-27354-2026 (O&M)

DECIDED ON: 14.05.2026

GURPREET KAUR**.....PETITIONER****VERSUS****M/S BHANDARI FINANCE SUKHDA ENCLAVE & ANR.****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

Present: Mr. Daljeet Singh Randhawa, Advocate for
Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J (ORAL)

This is a petition filed under Section 528 of 'the Bharatiya Nagarik Suraksha Sanhita 2023', seeking for quashing of order dated 05.12.2025 (Annexure P-4), whereby the petitioner has been declared a proclaimed person. The abovementioned order has been passed by the Court of learned Judicial Magistrate First Class Gurdaspur, hereinafter being referred to as 'trial Court' only, in a complaint case, i.e. case No.NACT/242/2022, titled as 'M/s Bhandari Finance versus Gurpreet Kaur' for the commission of offence punishable under Section 138 of the Negotiable Instruments Act..

2. **Notice of motion.**

3. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab accepts notice on



behalf of respondent/State. Hence, service of notice upon the State is hereby dispensed with. However, no formal reply has been filed by the State and the learned State counsel has opted to orally oppose the present petition.

4. It has been contended by learned counsel for the petitioner that the petitioner was regularly appearing before the learned trial Court, but, on 26.07.2025 she could not appear before the learned trial Court as her mother was ill and later on she was declared as proclaimed person. As per learned counsel for the petitioner, in the abovementioned circumstances, the impugned order was passed, which deserves to be quashed.

5. The record has been perused carefully.

6. Once it is an admitted fact that the petitioner was not present before the learned trial Court, in compliance with the conditions imposed in the bail order, it is hereby held that the learned trial Court was left with no option but to cancel the bail order, forfeit the bail bonds and consequently, she was declared proclaimed person. Since apparently there is no illegality in the abovementioned order, there is no scope of interference in the impugned order.

7. At this stage, learned counsel for the petitioner has sought liberty for the petitioner to surrender before the learned trial Court and move an application for bail. The learned counsel for the petitioner has prayed for a direction to the learned trial Court to dispose of the bail application, to be moved by the petitioner, on the same day.



8. In view of above, the present petition is hereby ***disposed of*** with a direction to the petitioner to surrender before the learned trial Court. If she surrenders before the learned trial Court within a period of one month, and moves an application for bail, the learned trial Court is directed to dispose of the bail application on the same day. The abovesaid order shall be subject to payment of Rs.25,000/- as cost. The cost shall be paid by the petitioner in the account being maintained by the District Legal Services Authority, Gurdaspur.

14.05.2026*Vinod***(SURYA PARTAP SINGH)
JUDGE**

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No