



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

124**CRM-M-36862-2026****Date of Decision:-10.07.2026****Manik Dogra.**

.....Petitioner.

Vs.

State of Haryana & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE RAMESH CHANDER DIMRI

Present:- Mr. Parth Aneja, Advocate for Petitioner.

RAMESH CHANDER DIMRI, J. (ORAL)

1. The petitioner challenges an order dated 08.05.2026 passed by the concerned Magistrate thereby declaring him as a proclaimed person. In fact the respondent no.2 filed a complaint against the petitioner under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881 thereby averring that the petitioner, a proprietor of Dogra Pharmaceuticals Company situated behind Sant Nischal Singh Public School, Shop No.422-1, Model Town, Tehsil Jagadhari, District Yamuna Nagar, had availed Cash Credit Limit of Rs.4 Lacs and GECL Term Loan of Rs.60,000/- and when he failed to honour his liability, he issued a cheque no.000021 dated 15.04.2021 drawn on Punjab and Sind Bank, Yamuna Nagar for Rs.4,89,606/-. However, when the said



cheque was presented for encashment, it was dishonoured. After complying with the statutory provisions, the complaint in question was filed. After recording pre-summoning evidence, the petitioner was ordered to be summoned. However, he remained unserved for a long time. At one stage of the proceedings, he was served through publication but did not appear. Thereafter, the concerned Magistrate passed an order dated 12.03.2026 thereby issuing a proclamation against the petitioner. When the petitioner did not appear on the stipulated date, he was declared proclaimed person on 08.05.2026. Subsequent thereto the petitioner appeared before the concerned Magistrate and was released on bail. He is now facing trial in the said complaint.

2. Learned Counsel for the petitioner has argued that the address given in the petition in question was not residential address of the petitioner and therefore, proclamation carried out by the concerned Magistrate against the petitioner at the address given in the complaint is not in accordance with Section 82 of the Code of Criminal Procedure (for short “1973 Code”). He further argues that for the said fact entire proceedings carried out under the said Section are illegal.

3. However, after going through the provisions contained in Section 82 of the 1973 Code and the contents of the complaint in question, I find that the petitioner had availed the above stated CC Limit and GECL Term Loan facility as a proprietor of Dogra Pharmaceutical Company having the address given in the caption of the



complaint in question. The said complaint was filed in the year 2021. The petitioner remained unserved for a long time. Ultimately, it was detected and that he has vacated the said shop without disclosing his subsequent address. Order dated 13.01.2026 shows that the publication issued against him was duly executed. He did not appear before the concerned Magistrate thereafter also. It was only on 12.03.2026 that the concerned Magistrate issued a proclamation under Section 82 Cr.PC. Despite issuance of such proclamation, the petitioner did not bother to appear and was accordingly declared a proclaimed person.

4. In such view of the matter, the argument that the proclamation issued by the concerned Magistrate was not executed at the address given i.e. residence of the petitioner, is in fact a fallacious argument. In the absence of any residential address of the petitioner available with the respondent no.2, it was not possible for the said respondent to provide his residential address. In fact, the facilities in question were taken as proprietor of the said firm.

5. In view thereof, the argument raised on behalf of the petitioner cannot at all be accepted. The order Annexure P-6 has a sanctity provided by the 1973 Code. Such sanctity is not at all breached by the said argument. Further, once the petitioner has appeared consequent to the said proclamation and has been granted bail, it appears that the present petition has been filed just to pre-empt the order passed by the concerned Magistrate directing the registration of a separate case against the petitioner. No case for abuse of process



of court has been made out by the petitioner. Inherent jurisdiction has always to be exercised sparingly and in exceptional circumstances. There is no ground for exercise of such jurisdiction in the present case.

6. In view thereof I find no substance in the present petition. It is accordingly dismissed.

7. Pending applications, if any, are also disposed off.

(RAMESH CHANDER DIMRI)
JUDGE

10.07.2026

Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No