

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

CRM-M-3666-2017

Date of decision: March 27, 2018

Sant Lal

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Raman Chawla, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior DAG, Punjab.

Mr. A.P.S. Gill, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition filed under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') is for setting aside the order dated 17.11.2016 passed by learned Judicial Magistrate Ist Class, Ludhiana in Criminal Complaint No.5871 dated 07.09.2015 under Section 138 of the Negotiable Instruments Act read with Section 420 of the Indian Penal Code vide which the petitioner has been declared proclaimed person/offender under Section 82 Cr.P.C.

The accused was summoned on the previous address but accused changed his address. Thereafter bailable warrants on the same address were issued. Ultimately, when non-bailable warrants of arrest could not be executed, it was ordered that proceedings under Section 82 Cr.P.C. be initiated against him. Said order dated 20th August, 2016 is reproduced as under:-

“Non-bailable warrants issued against the accused repeatedly but received back with the report of unserved. Perusal of the file shows that despite the issuance of summons through ordinary process, through bailable warrants or through non bailable warrants the

accused has failed to put in his appearance. Counsel for the complainant stated at bar that the accused intentionally avoiding the service of process upon him. In view of above circumstances this court is satisfied that further coercive methods need to be adopted for procuring the presence of the accused. Accused be now served through proclamation under Section 82 Cr.P.C. by way of publication to be published in the Punjabi newspaper "Daily Chardikala" on depositing the publication charges within 5 days and thereafter Ahlmad is directed to issue publication for 19.09.2016."

However, on 19th September, 2016, it has been noticed by the court that publication charges has been deposited by the complainant and the publication in the Punjabi newspaper "Daily Chardikala" against the accused was issued for 25th October, 2016. The publication was advertised in the newspaper dated 5th October, 2016 for 25.10.2016 i.e. period of less than 30 days was given for the proclamation. This is violation of the provisions of 82 Cr.P.C. therefore, impugned order dated 17.11.2016 is not sustainable and is *set aside*.

Learned State counsel submitted that as petitioner has already surrendered before the trial court in terms of order dated 06.02.2017, he is not required for further interrogation, therefore, interim order dated 06.02.2017 is made absolute.

Disposed of accordingly.

However, learned trial court is directed to expedite the trial.

(RAJ SHEKHAR ATTRI)
JUDGE

March 27, 2018
m. sharma

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