

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

**CRM-M No.43763 of 2017 (O&M)
Date of Decision: 25.03.2019**

Pritpal Singh

..... Petitioner

Versus

Mridul Chhabra and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Karambir Singh Nalwa and Mr. A.S.Thind, Advocates
for the petitioner.

Ms. Navjot Kaur, Advocate for
Mr. Vishal Gupta, Advocate for respondent No.1.

Mr. C.L.Pawar, Senior Deputy Advocate General, Punjab
for respondent No.2/State.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 482 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) praying for quashing of order dated 26.05.2017 (**P-5**), passed by learned Judicial Magistrate 1st Class, Ludhiana, vide which, petitioner was declared as a proclaimed person in Criminal Complaint No.4038 dated 27.04.2016 (**P-1**), titled as '**Mridul Chhabra Versus Pritpal Singh**', filed by respondent No.1, under Section 138 of the Negotiable Instruments Act, 1881.

This Court, while issuing notice of motion on 17.11.2017, passed the following order:-

“ *Notice of motion returnable on 15.01.2018 for final disposal.*

Ad interim stay of proceeding of the impugned order. ”

On 15.01.2018, the following order was passed by this Court:-

“ *Service is complete.*
Adjourned to 15.03.2018, for further proceedings.
Meanwhile, petitioner is directed to surrender before
the learned trial Court and on doing so, he shall be released
on interim bail by that Court to its satisfaction.
To be heard alongwith Criminal Misc.No.M-43544 of
2017.”

It is contended on behalf of the petitioner that in pursuance of above order, petitioner has already joined the proceedings before learned trial Court and is regularly appearing. Also contended that there is non-compliance of the provisions prescribed under Section 82 Cr.P.C. by learned trial Court while declaring the petitioner as proclaimed person as the proclamation was effected without affording the stipulated period of 30 days and moreover, the publication was not proper as there was no circulation of the newspaper, wherein the alleged publication had taken place. Further contended that petitioner is ready to fully co-operate with the learned trial Court.

It deserves to be mentioned that in the connected case bearing CRM-M-43544 of 2017, anticipatory bail of the petitioner has been allowed by this Court.

Heard both sides and perused the paper-book.

Since there is non-compliance of the provisions, prescribed under Section 82 Cr.P.C., by learned trial Court while declaring the petitioner as proclaimed person as the proclamation was effected without exhausting the clear period of 30 days and even the publication was also not proper as there was no circulation of the newspaper, wherein the alleged

publication had taken place. Moreover, the petitioner has joined the proceedings before learned trial Court and regularly appearing, therefore, impugned order dated 26.05.2017 is set aside and order dated 15.01.2018, granting interim bail to the petitioner, is hereby made absolute.

It is made clear that petitioner shall appear before learned trial Court regularly.

Disposed off accordingly.

March 25, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>