

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

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CRM-M-31668-2019 (O & M)
Date of Decision:20.08.2019

Rajdeep Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.S. Mann, Advocate for the petitioner.

MANOJ BAJAJ, J.

This petition has been filed under Section 482 Cr.P.C. for seeking quashing of order dated 06.12.2017 (Annexure P-3) passed by the learned trial Court in Complaint bearing No.NACT/328/2017 u/s 138 of Negotiable Instruments Act titled as “T.R. Enterprises vs. Rajdeep Kaur” vide which the petitioner has been declared as proclaimed person.

Learned counsel for the petitioner contends that the statutory period of 30 days as provided under Section 82 Cr.P.C. was not provided to the petitioner before declaring him proclaimed person.

Learned counsel has invited the attention of the Court to the order dated 06.10.2017 whereby the proclamation was issued directing the petitioner to appear on 21.11.2017. The said order reads as under:-

“Non bailable warrants of accused received back unexecuted with the report that house locked. In these circumstances, this Court has reason to believe that accused has either absconded or concealing himself to avoid execution of warrants. As such proclamation against the accused u/s 82 Cr.P.C. be issued for 21.11.2017 requiring him to appear within 30 days of effecting proclamation against him.”

On 21.11.2017, it was noticed by the trial Court that the period of 30 days has not lapsed, therefore, the case was adjourned for 30.11.2017 for completion of the statutory period and finally on 06.12.2017, the trial Court proceeded to declare the petitioner as Proclaimed Offender.

Learned counsel has further placed reliance upon the decision of this Court in the case of Ashok Kumar vs. State of Haryana and another 2013 (4) RCR (Criminal) 550. The said case may not lend any support to the case of the petitioner because in the said case, the proclamation issued for appearance of the accused did not specify any time, place for appearance and, therefore, the Court proceeded to set aside the order declaring the accused as Proclaimed Offender.

There is no argument raised by learned counsel for the petitioner that the address of the petitioner was not correctly mentioned in the notices, warrants of the proclamation. It is apparent that the petitioner was avoiding the appearance before the Court.

Resultantly, no interference is called for under Section 482 Cr.P.C.

Dismissed.

However, it shall be open for the petitioner to submit herself before the Court and apply for regular bail.

20.08.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No