

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 24507 of 2021 (O&M)

Date of decision : 5.7.2021

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Pardeep Dixit

.....Petitioner

vs.

State of Haryana and another

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Sandeep Singh, Advocate for the petitioner

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

Petitioner – Pardeep Dixit, aged about 40 years, son of Parashant Dixit, proprietor of M/s Harsh Marketing, House No. 610, Ward No. 23, Near Jhanda Laxmi Narayan Mandir Road, Raghunath Ganj, Katni, Madhya Pradesh, an accused in a Criminal complaint under Section 138 of the Negotiable Instruments Act, having been filed by M/s Marvel Limited (formerly known as Marvel Tea Estate (I) Ltd.), Marvel Road, Uklana, District Hisar, instituted on 21.12.2016, now having been declared as a proclaimed person by JMIC, Hisar, vide order dated 22.5.2018, copy Annexure P-1, as brought the instant petition under Section 482 Cr.P.C., praying for quashing of the impugned order, declaring him as a proclaimed

person, as well as consequential proceedings, arising therefrom, filing faults with the procedure adopted in passing of the order.

I have heard learned counsel for the petitioner besides going through the record.

The instant petition is bound to fail for various reasons, firstly, the petitioner has been declared as a proclaimed person by the Court of competent jurisdiction, on account of his failure to appear in the Court in response to the process issued by the Court and publication of proclamation under Section 82 Cr.P.C.

Secondly, the petitioner, instead of appearing before the trial Court and rendering reasonable and plausible explanation for his absence praying for grant of regular bail, has opted to by pass the trial Court and knock at the door of this Court by way of filing the present petition, which as per facts and circumstances of the case cannot be accepted.

Thirdly, a Co-ordinate Bench of this Court in *Mehnga Singh vs. State of Punjab 2002 (2) RCR (Criminal) 501,* has observed that when when an accused has been declared as proclaimed offender, a petition against the order under Section 482 Cr.P.C. is not maintainable and that the accused should first move the Court which declared him proclaimed offender and even an objection against validity of proclamation is required to be raised in the first instance before the Court which issued the proclamation and that power under Section 482 Cr.P.C. is not to be exercised in favour of a person who is absconder or avoiding service.

Therefore, the present petition is doomed for failure and is dismissed accordingly.

5.7.2021
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(H.S. Madaan)
Judge

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