

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

(Sr. No. 120)

CRM-M No. 33270 of 2021

Date of decision : 17.08.2021

Jaspal Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Inderjeet Singh, Advocate for the petitioner.
Mr. Rahul Mohan, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. challenging therein the order of the Trial Court dated 10.02.2020 through which the petitioner was declared as a proclaimed person. Quashing is also sought of the FIR lodged as a consequence of the afore order being FIR No.148 dated 27.02.2021 registered under Section 174-A IPC at Police Station Karnal Sadar, district Karnal.

In May, 2018 one Nafe Singh filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short – the N.I. Act) through which he alleged dishonour of a cheque issued by the petitioner. In the said complaint the Trial Court issued notice to the petitioner but when the petitioner's presence could not be secured, the Trial Court initiated

proclamation proceedings. Notice/proclamation requiring the appearance of the petitioner was affixed on the petitioner's house but when in spite of the same the petitioner failed to appear before the Trial Court, he was declared a proclaimed person.

A bare perusal of the notice/proclamation affixed outside the petitioner's house on 08.01.2020 reveals that the same is ambiguous as at two places therein the petitioner has been asked to appear before the Trial Court on 10.01.2020 and at one place the date of appearance is given as 10.02.2020. Thus, no clear notice, as required under Section 82 Cr.P.C., was given to the petitioner prior to his being declared a proclaimed person.

In view of the above, the impugned order dated 10.02.2020 (Annexure P-1) as also the impugned FIR (Annexure P-2) are quashed with a further direction to the petitioner to forthwith appear before the Trial Court in the proceedings initiated against him at the instance of Nafe Singh under Section 138 of the N.I. Act.

Since the above proceedings under the N.I. Act were initiated way back in May, 2018 and for the last over three years they are only at the notice stage, the Trial Court is directed to finally adjudicate upon Nafe Singh's aforesaid complaint within three months from the date next fixed before it, in accordance with law.

17.08.2021*sunil yadav***(DEEPAK SIBAL)****JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No