

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

266

CRM-M-5160-2020

Date of decision : 12.10.2022

Srishti Sharma

..... Petitioner

V/S

State of Punjab and another

..... Respondent

**CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Jasraj Singh, Advocate for the petitioner.

Mr. Amish Sharma, Assistant Advocate General, Punjab.

Mr. Vishal Sharma (Vasudeva), Advocate  
for respondent No. 2.

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**ASHOK KUMAR VERMA, J. (ORAL)**

The petitioner has filed the present petition under Section 482 read with Section 483 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for quashing of impugned order dated 15.07.2019 (Annexure P-7) passed by learned Chief Judicial Magistrates, Hoshiarpur, whereby the petitioner was declared as proclaimed person in a private complaint bearing No. NACT260/2018 dated 24.03.2018 titled as 'Vimal Kumar Vs. Sarishti Sharma, instituted by complainant-respondent No. 2.

Briefly, complainant-respondent No. 2 filed a private complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short-'the Act'), against the petitioner for dishonouring of a cheque

bearing No. 305331 dated 01.02.2018 to the tune of Rs.4,32,000/- issued by the petitioner in order to discharge her liabilities towards the complainant. The trial Court summoned the petitioner to face trial under Section 138 of the Act, vide summoning order dated 13.04.2018 (Annexure P-1). After passing the summoning order, the trial Court adjourned the case for three dates i.e. 26.09.2018, 12.11.2018 and 07.01.2019, for effecting service upon petitioner and vide order dated 07.01.2019, bailable warrants of the petitioner were issued for a sum of Rs.10,000/- with one surety in the like amount for 11.02.2019. Copies of the aforesaid zimini orders are annexed with the petition as Annexure P-2. Thereafter, vide orders dated 11.02.2019 and 25.03.2019 (Annexures P-3 and P-4) non-bailable warrants were issued against the petitioner by the trial Court which have also been received back unserved. The trial Court vide order dated 25.04.2019 and 15.06.2019 (Annexures P-5 and P-6) issued proclamation against the petitioner under Section 82 Cr.P.C. and also initiated proceeding under Section 83 Cr.P.C. as well. Finally, petitioner was declared as proclaimed person vide impugned order dated 15.07.2019 (Annexure P-7). Hence, the present petition.

Learned Counsel for the petitioner submits that petitioner has falsely been implicated in the private complaint by respondent No. 2. The trial Court after adjourning the matter for three dates i.e. 26.09.2018, 12.11.2018 and 07.01.2019 for want of correct address of the petitioner issued bailable warrants against the petitioner vide order dated 07.01.2019 and has illegally and wrongly declared the petitioner

as proclaimed person without proper scrutiny of the facts and circumstances of the case. Learned counsel for the petitioner further contends that the petitioner being lady seeks one opportunity to appear before the trial Court and she is ready and willing to face the trial. In support of his contentions learned counsel for the petitioner has relied upon judgments of Hon'ble the Supreme Court in **(i) *Vikas vs. State of Rajasthan*, 2013(4) RCR (Criminal) 948;** **(ii) *Inder Mohan Goswami vs. State of Uttranchal*, 2007 (4) R.C.R. (Criminal) 548;** and of this Court in **(iii) *Bajinder Singh vs. State of Punjab*, 2015(3) RCR (Criminal) 950;** **(iv) *Ravi Kumar vs. State of Haryana*, 2015 (5) RCR (Criminal) 895;** **(v) *CRM-M-28975-2017 Rajan Kumar vs. State of Punjab*, decided on 22.08.2017;** **(vi) *CRM-M-20781-2018, Sukhraj Singh @ Nikka vs. State of Punjab*, decided on 16.10.2015** and **(vii) *Ishro Devi Vs. State of Punjab*, 2016(5) RCR (Criminal) 402.**

I have heard learned counsel for the petitioner and gone through the paper-book.

Perusal of the file shows that no sufficient reason has been given by the petitioner for her non-appearance before the Trial Court. From the conduct of the petitioner it can safely be presumed that she evading her service deliberately and intentionally. Moreover, she has also not complied with the order dated 05.02.2020 passed by a co-ordinate Bench of this Court whereby she was directed to place on record the documents showing that she was residing in New Delhi at the time when she was declared a proclaimed offender.

Keeping in view the nature of averment and conduct of the

petitioner, I do not deem it fit to quash the impugned order dated 15.07.2019 (Annexure P-7).

Dismissed.

12.10.2022

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(ASHOK KUMAR VERMA)  
JUDGE

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |