

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-7411-2022

Date of Decision: 2.3.2022

Parveen Kumar

....Petitioner

VERSUS

Jaswant Singh

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Deepak Arora, Advocate,
for the petitioner.

KARAMJIT SINGH, J. (Oral)

The petitioner has challenged order dated 5.12.2015 (Annexure P-1) whereby he has been declared as proclaimed person in criminal complaint NACT No.103 dated 29.3.2015; Jaswant Singh v. Parveen Kumar.

From the perusal of order dated 16.10.2015 (Annexure P-4) passed by the Court of Sub Divisional Judicial Magistrate, Anandpur Sahib, the proclamation of the petitioner was ordered to be issued for 24.11.2015. From the perusal of order dated 24.11.2015 (Annexure P-5) passed by the aforesaid Court, it transpires that proclamation against the petitioner was published on 3.11.2015 and as statutory period of 30 days had not elapsed, the case was adjourned to 5.12.2015 for awaiting appearance of the petitioner. As per Annexure P-1, the petitioner was finally declared as proclaimed person vide order dated 5.12.2015 by the aforesaid Court.

From the above, it is clear that statutory period of 30 days for

appearance of the petitioner before the Court concerned from the date of publication of proclamation was not given by the Court concerned in compliance of the provisions of Section 82 Cr.P.C. In this context, reference may be made to the decision of this Court passed in **Ashok Kumar v. State of Haryana and another** 2013 (4) RCR (Criminal) 550. The impugned order being illegal, is liable to be set aside.

Consequently, the present petition is allowed and the impugned order is set aside. Offence under Section 138 of Negotiable Instruments Act being bailable, the petitioner is directed to appear before the trial Court within one month and should seek regular bail. The petitioner is hereby granted interim bail till his appearance in the trial Court.

March 2, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No