

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-15392-2021

Date of Decision: 6.4.2022

Sanchita Nanda

....Petitioner

VERSUS

Ashok Jindal

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Shivya Sehgal, Advocate,
for the petitioner.

KARAMJIT SINGH, J. (Oral)

The petitioner has challenged order dated 29.11.2018 (Annexure P-6) whereby he has been declared as proclaimed person in criminal complaint No.2147 dated 8.4.2015; Ashok Jindal v. Sanchita Nanda.

From the perusal of order dated 21.9.2018 passed by the Court of Judicial Magistrate, 1st Class, Ludhiana, the proclamation of the petitioner was ordered to be issued for 29.10.2018. From the perusal of order dated 29.10.2018 passed by the aforesaid Court, it transpires that proclamation against the petitioner was published on 28.10.2018 and as statutory period of 30 days had not elapsed, the case was adjourned to 29.11.2018 for awaiting appearance of the petitioner. As per Annexure P-6, the petitioner was finally declared as proclaimed person vide order dated 29.11.2018 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.

April 6, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No