

128 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18877-2022
Date of decision : 05.05.2022

Jogesh Kumar

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 482 Cr.P.C seeking quashing of the order dated 24.01.2022 passed by Additional Chief Judicial Magistrate, Narnaul, whereby he was declared proclaimed person in complaint case filed under Section 138/142 Negotiable Instruments Act, 1881 as well as order dated 05.04.2022, whereby revision filed against the order declaring him proclaimed person was dismissed.

Learned counsel for the petitioner has argued that the order dated 24.01.2022 declaring him a proclaimed offender is not sustainable as the proclamation was not read in conspicuous place, therefore, for non-compliance of the mandatory provisions, the proceedings declaring petitioner proclaimed person under Section 82 Cr.P.C were vitiated. According to him, the impugned order declaring the petitioner as proclaimed person is bad in law and deserves to be quashed. In support of his argument, he has placed reliance upon the judgment passed by this Court in CRM-M-25921-2020, “*Harvinder Singh Vs. State of Haryana*”.

During the course of hearing, it is not disputed by learned counsel that after summoning of the petitioner, he had appeared before the trial Court and was released on regular bail, but during the pendency of the trial, he absented and the Court initiated steps to secure his presence. Further, it has also not been disputed by learned counsel that the address mentioned in the complaint as well as in the proclamation notice is correct and even pasting of proclamation notice at the said address is not disputed. According to him, petitioner was not aware of the order dated 24.01.2022.

After hearing learned counsel for the petitioner and considering the above background, this Court does not find any merit in this petition as the petitioner was well aware of the case proceedings against him and he never made any effort to associate himself with the case proceedings and even at the stage of proceedings under Section 82 Cr.P.C the accused did not show any inclination to appear before the Court, therefore, the grounds raised by the petitioner for setting aside the order dated 24.01.2022 cannot be entertained after a long and unexplained delay. Considering the facts of this case, the judgment relied upon by the petitioner in Harvinder Singh's case does not lend any support to the case of the petitioner.

Resultantly, no case is made out for exercising the inherent powers under Section 482 Cr.P.C.

Dismissed.

(MANOJ BAJAJ)
JUDGE

05.05.2022

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No