

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

**CRM-M-39192-2022 (O&M)**

Date of Decision: 31.8.2022

Manjit Kaur

... Petitioner

Versus

State of Punjab and another

... Respondents

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

Present: Mr.Ramnish Puri, Advocate for the petitioner

Mr.GS Sandhu, DAG, Punjab

...

**CRM-31854-2022**

This is an application for grant of leave under Rule 3-A (i) of Chapter 6, Part B, Volume-V of the High Court Rules and Orders.

The application is allowed as prayed for.

**CRM-M-39192-2022**

The petitioner has approached this Court by filing this petition under Section 482 of the Cr.P.C. for quashing the impugned order dated 17.8.2012 (Annexure P-4) whereby non-bailable warrant of arrest has been issued against the petitioner, as also the impugned order dated 7.1.2013 (Annexure P-5) whereby the petitioner has been declared proclaimed person in Complaint under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioner contends that the impugned order declaring him a proclaimed person is not sustainable as no effort was made to serve the proclamation upon the petitioner at his last known place of residence. Learned counsel further contends that the trial court vide order dated 7.12.2012 observed that the proclamation

issued to accused as received back duly effected, but the trial court had lost sight of the fact that the period of 30 days had not expired on that day i.e. 7.12.2012. Learned counsel submits that there must be a clear notice of 30 days to the accused for appearance in the Court at a specified place and time, instead of simply adjourning the matter. Learned counsel submits that there is non-compliance of the mandatory provisions of Section 82 (1) of the Cr.P.C. and as such the proceedings declaring the petitioner proclaimed offender under Section 82 of the Cr.P.C. were vitiated. In support of his arguments, learned counsel relies on **Shokat Ali vs. State of Haryana and another**, 2020 (2) RCR (Criminal) 339 and **Ashok Kumar vs. State of Haryana and another**, Law Finder Doc. ID # 484333.

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

During the course of hearing, it is not disputed by the learned counsel for the petitioner that after summoning the petitioner, he had appeared before the trial court, he absented on 17.8.2012 and his bail bonds and surety bonds were forfeited to the State and thus, the trial court initiated steps to secure his presence by issuing non-bailable warrants of arrest against him. It is also not disputed 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. In this view of the matter, this Court does not find any merit in this petition as the petitioner was fully 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

of the Cr.P.C., the accused did not show any inclination to appear before the trial court, and therefore, the grounds raised by the petitioner for setting aside the impugned orders cannot be entertained after a long and unexplained delay of about 10 years. The judgments cited by the learned counsel for the petitioner are on different footings and the same cannot be of any help to the petitioner. Resultantly, no case is made out for exercising the inherent powers under Section 482 of the Cr.P.C.

In view of the above, I find no merit in this petition and the same is hereby dismissed.

**(ASHOK KUMAR VERMA)**  
**JUDGE**

**31.8.2022**

**MFK**

*Whether speaking/reasoned*

*Yes/No*

*Whether Reportable*

*Yes/No*