

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-15748-2023

Date of Decision : 13.04.2023

Sonu

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Pawan Attri, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of impugned order dated 04.01.2023 passed by learned Judicial Magistrate First Class, Karnal (Annexure P-1) passed in Complaint Case bearing No.NACT-568-2019 whereby the petitioner was declared proclaimed person as well as quashing of FIR No.230 dated 08.02.2023 registered under Section 174-A of the Indian Penal Code, 1860 at Police Station Civil Lines, Karnal (**Annexure** P-2) and all consequential proceedings arising therefrom.

Brief facts of the case are that respondent No.2 filed a compliant under Section 138/142 of the Negotiable Instruments Act, 1881 against the petitioner for dishonouring of cheque No.057483 dated 08.01.2019 amounting to Rs.4,95,300/-. When the petitioner did not appear before the trial Court, non-bailable warrants of arrest was issued against him. On 05.07.2022 proclamation under Section 82 of the Cr.P.C. was issued against the petitioner and vide impugned order dated 04.01.2023, the petitioner was declared proclaimed person.

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Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Vide impugned order dated 04.01.2023, the trial Court wrongly declared the petitioner as proclaimed person without following the mandatory procedure as laid down under Section 82 of the Cr.P.C. The petitioner never received warrant nor received any information regarding the declaration as a proclaimed person. Absence of the petitioner in the Court was neither intentional nor willful. The petitioner undertakes not to remain absent from the trial in future.

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 his non-appearance before the Trial Court. Neither the petitioner appear/surrender before the Trial Court till date nor he filed any application for grant of anticipatory bail. Keeping in view the nature of averments and negligent conduct of the petitioner, I do not deem it fit to quash the impugned order dated 04.01.2023.

Dismissed.

(ASHOK KUMAR VERMA)
JUDGE

13.04.2023

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No