

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48991-2023

Date of Decision: 12.10.2023

Hawa Singh

. . . . Petitioner

Vs.

Parveen Kumar and another

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Yogesh K. Saini, Advocate, for the petitioner.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 482 CrPC is to quash order dated 01.07.2023 passed by Id. JMIC, Hisar, whereby petitioner was declared proclaimed person during proceedings of criminal complaint No. NACT/ 1128/ 2020 titled as 'Parveen Kumar Vs. Hawa Singh'. Further prayer is made to quash consequent FIR No.0644 dated 04.08.2023 (Annexure P5) registered at Police Station Hisar City, District Hisar, under Section 174A of the IPC.

2. Perusal of the paper-book reveals that complaint in question Annexure P1 was filed on 09.03.2020 regarding dishonour of cheque of an amount of ₹50,000/-. After recording preliminary evidence, process against the accused-petitioner was issued. As per order dated 14.07.2022, summons to the accused-petitioner was received back duly served though his family member, but he failed to appear, compelling the Court to issue bailable warrants against him. Bailable warrant was received having been received back with the report of refusal through the family member, as per the order dated 03.11.2022. Then warrant of arrest was issued, which was received back as un-executed on

21.02.2023. Then proclamation under Sections 82 & 83 CrPC was issued. It is revealed from order dated 01.05.2023 (Annexure P2) that as the previous proclamation was not received back, therefore, fresh proclamation was directed to be issued for 01.07.2023 and the report was called for 01.06.2023.

3. On 01.06.2023, Constable Satbir-1161 appeared and got recorded his statement to have duly published the proclamation on 01.06.2023. On 01.07.2023, the date fixed in the proclamation for appearance/surrender of the accused-petitioner, as he did not turn up, he was declared proclaimed person. Consequent to the said declaration, FIR under Section 174A IPC (Annexure P5) was registered against the petitioner.

4. The only contention made by ld. counsel for the petitioner before this Court is that cheque amount in question is only ₹50,000/-; that petitioner is ready to pay the amount and to surrender before the trial Court and petitioner be provided necessary protection.

5. After hearing ld. counsel for the petitioner and perusing the paper-book, this Court finds no justification to set aside the impugned order, whereby the petitioner was declared proclaimed person; or the consequent FIR. Despite service in accordance with law, petitioner failed to appear before the Court. He did not even comply with the proclamation, whereby he was given period of 30 days to appear and surrender before the trial Court.

6. Petition being devoid of merit, is hereby dismissed.

12.10.2023

Vivek

**(DEEPAK GUPTA)
JUDGE**

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No