

CRM-M-59142-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision:-23.11.2023

Bunty VermaPetitioner

Versus

Vinod VermaRespondent

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. Naresh Kumar Khepar, Advocate
for the petitioner.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Section 482 Cr.P.C., seeking quashing of impugned order dated 09.05.2023 (Annexure P-6) passed by learned Judicial Magistrate, 1st Class, Mohali, whereby, the petitioner has been declared as a proclaimed person.
2. Learned counsel for the petitioner submits that it is a complaint case, filed by none other than the uncle (*mama*) of the petitioner. He further submits that the requirements of Section 82 Cr.P.C. have not been complied with and the publication was effected in a newspaper having circulation in Mohali. He also submits that the notices sent to him on his village address were never served upon him as he has not been staying in the village since long and the complainant being a close relative was well aware about this fact. However, the petitioner has given his current address on the affidavit which was filed in support of the present petition and undertakes to inform the change in the address, if any, to the Court below.

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3. In light of the above and after considering the averments made by the petitioner and in light of the fact that the petitioner is ready to join the proceedings, the issuance of notice of motion shall only procrastinate the trial, which is pending for the last more than one year.

4. Accordingly, the order dated 09.05.2023 is set aside, however, the same is subject to deposit a sum of Rs. 2,50,000/- which will be kept as an FDR by the trial Court during the pendency of the complaint.

5. It is made clear that no benefit of the interest accrued on the said FDR shall be given to the petitioner, though the same can be adjusted, in case, any compromise is effected between the parties at any later stage.

6. Learned counsel for the petitioner shall put in appearance on or before 20.12.2023 along with the amount and on doing so, the Court shall enlarge him on bail in accordance with law, however, subject to heavy surety in addition to the amount to be deposited by him as directed above.

7. In light of the above, the present petition stands disposed of with an additional cost of Rs. 10,000/- to be paid to the complainant.

(ALOK JAIN)
JUDGE

November 23, 2023

Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No