

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-5597-2024
Date of Decision:02.02.2024

Saroj Rani
Vs.
State of Punjab and Another

.....Petitioner
.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sunil Agnihotri, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C., prayer is made to quash order dated 08.09.2023 (Annexure P-6) passed by learned JMIC, Hoshiarpur in complaint No.439 dated 15.07.2022 under Section 138 of the Negotiable Instruments Act, whereby petitioner was declared proclaimed person.

2. Learned counsel for the petitioner has pointed out towards various zimni orders passed by the Trial Court revealing that summoning order was passed on 18.08.2022 and accused- petitioner was directed to be summoned for 22.09.2022. Attention is drawn towards order dated 31.10.2022 (Annexure P-3) as per which notice to the petitioner was received with the report that he had left the given address but still the Court ordered issuance of theailable warrants. Further attention is drawn towards order dated 21.04.2023 (Annexure P-5) which reveal that warrant of arrest issued against the petitioner were received with the report that accused (petitioner) had left the village since 7-8 years ago. Still the warrants of arrest were again directed to be issued. As presence was not procured, proclamation was issued and then petitioner was declared proclaimed person

vide impugned order dated 08.09.2023 (Annexure P-6).

3. Learned counsel also contends that petitioner is ready to surrender before the Trial Court and that he be provided necessary protection.

4. It is evident from the various zimni orders as placed on record that petitioner was not served even once. Despite the fact that Court received the reports on the notice and the warrants that she had already left the given address long back, no effort was made by the Court to ask the complainant of the case to provide the latest address of the accused- petitioner and the Court preferred to issue warrant of arrest and proclamation.

5. Having noticed the aforesaid circumstances, this petition is hereby disposed of by setting aside the impugned order dated 08.09.2023 (Annexure P-6), whereby petitioner was declared proclaimed person. However, petitioner is directed to surrender before the Trial Court on or before 12.03.2024, the date already fixed thereat. On her such surrender, the Trial Court shall admit the petitioner to bail. If in the meantime, petitioner is sought to be arrested, she shall be admitted to interim bail to the satisfaction of Arresting Officer.

6. Since this petition is being disposed of without serving notice to respondent, therefore, respondent will be at liberty to approach this Court, in case he is aggrieved by this order.

(DEEPAK GUPTA)
JUDGE

February 02, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No