



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

336

CRM-M-7354-2024 (O&M)

Date of Decision:- 04.12.2024

DALJEET SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. N.S. Dandiwal, Advocate for
Mr. I.S. Dhaliwal, Advocate for the petitioner.

Mr. Amit Shukla, AAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition preferred under Section 482 Cr.P.C. the petitioner has sought quashing of impugned orders dated 24.03.2022 and 20.07.2022 (Annexures P-3 and P-4 respectively) passed by the Court of learned Judicial Magistrate First Class, Malout, whereby proclamation proceeding under Section 82 CrPC was initiated and thereafter the petitioner was declared proclaimed person in complaint case bearing NACT/128/2020 titled as '*Baljeet Singh Vs. Daljeet Singh*'.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 12.02.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 17.02.2024, passed by Judicial Magistrate First Class, Malout, whereby the petitioner has been admitted on



interim bail by the learned trial Court.

3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 12.02.2024, the following order was passed.

“1.It is inter alia contended by learned counsel for the petitioner that a complaint was registered under Section 138 of the Negotiable Instruments Act, 1881 by respondent No.2 bearing Complaint No.NACT/128/2020. He submits that thereafter, the petitioner was summoned, however, he never received any summons to appear in the case and the learned Court proceeded to issue proclamation vide order dated 24.03.2022 (Annexure P-3) for 14.06.2022. He refers to the order dated 14.06.2022 passed by learned trial Court, wherein it is mentioned that the proclamation has been duly effected and the statement of executing official in this regard has been recorded and since the statutory period of 30 days had not elapsed, the case was adjourned for 20.07.2022 for awaiting the presence of the petitioner. He contends that vide order dated 20.07.2022 (Annexure P-4), the petitioner was declared as proclaimed person in the case, however, neither there was any proclamation to appear on 20.07.2022 nor the proclamation was ever received by the petitioner. As such, the impugned order is passed without complying the provisions of Section 82 of the Cr.P.C. He submits that the petitioner is ready to appear in the trial Court to face trial.

2. Notice of motion.

3. On the asking of the Court, Mr. Harpreet Singh, Additional AG Punjab accepts notice on behalf of respondent-State.

4. Notice to respondent No.2 be issued for 06.03.2024.

5. Dasti as well.

6. In the meanwhile, petitioner is directed to appear before the Trial Court/Duty Magistrate concerned, within a period of 07 days from today. In that event, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. The petitioner will also furnish a specific undertaking that in future he will appear on each



and every date of hearing without fail and only in case of extreme exigency will he seek prior exemption from the Court in accordance with law.”

6. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 12.02.2024 passed by this Court, and respondent No.2 having not contested the petition, despite due service, the present petition is allowed. The orders dated 24.03.2022 and 20.07.2022 (Annexures P-3 and P-4 respectively) passed by the Court of learned Judicial Magistrate First Class, Malout are set aside only to the extent whereby the petitioner has been declared proclaimed person in the aforesaid complaint case. Accordingly, the interim bail granted vide order dated 12.02.2024 is hereby confirmed.
7. The petitioner will be at liberty to take appropriate legal remedy to challenge the proceedings under Section 174-A IPC, if so required.
8. Petition stands allowed.
9. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

04.12.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |