



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

CRM-M-7883-2023

Date of Decision:-13.08.2024

Honey.

.....Petitioner.

Vs.

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Gaurav Sharma, Advocate for the Petitioner.

Mr. Sukhsandesh Singh Chahal, Assistant Advocate General,
Punjab.

Mr. H.S. Randhawa, Advocate
Amicus Curiae for the respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 482 Cr.PC is for the quashing of order dated 06.09.2022 (Annexure P-2) passed by Additional Chief Judicial Magistrate, Pathankot in complaint bearing N.I.Act No.545 of 2020 filed under Section 138 of the Negotiable Instruments Act titled as Pushpinder Puri Vs. Honey whereby the petitioner has been declared proclaimed person.

2. The Counsel for the petitioner contends that the petitioner was a resident of Gurdaspur where he was working and no notice had every been served upon him. Therefore, the impugned order dated 06.09.2022 (Annexure P-2) was liable to be quashed.

3. The learned Amicus Curiae on the other hand contends that the grounds raised by the petitioner that he was a resident of Gurdaspur and therefore was unaware of the proceedings against him in the courts at Pathankot was completely fallacious. He contends that as per the complaint the petitioner was stated to be a resident of Pathankot. The Aadhaar Card of

the petitioner showed him to be a resident of Pathankot and petition also discloses the address of the petitioner as that being of Pathankot. There was nothing to suggest that he was working and residing at Gurdaspur. It was apparent that he was evading service and, therefore, the present petition for quashing of the impugned order declaring the petitioner a proclaimed person was liable to be dismissed.

4. I have heard the learned counsel for the parties.
5. The primary contention of the petitioner is that he was unaware of the proceedings under Section 138 of the Negotiable Instruments Act, 1881 pending against him as he was doing a private job in Gurdaspur. He had come to know about the proceedings only when someone from his village informed him at Gurdaspur regarding a complaint having been filed against him. The arguments raised are completely fallacious. The entire petition does not disclose as to his residential address at Gurdaspur. On the contrary the petition discloses his address as that of being Pathankot. The complaint discloses his address as that of Pathankot and his Aadhaar Card also shows him to be a resident of Pathankot. Therefore, it is apparent that the petitioner was ordinarily a resident of Pathankot. He was aware of the proceedings pending against him and has come up with this false plea only to avoid the outcome of the order dated 06.09.2022 whereby he has been declared a proclaimed person.
6. In view of the above, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)

JUDGE

August 13, 2024

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>