

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

229

CRM-M No.10844 of 2021 (O&M)  
Date of decision : 26.04.2024

Hardeep Singh

..... Petitioner

Versus

State of Punjab and anr.

..... Respondents

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

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Present :- Mr. Onkar Rai, Advocate  
for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Mr. K.D.S. Sodhi, Advocate,  
for respondent No.2.

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**PANKAJ JAIN, J. (ORAL)**

While issuing notice of motion on 28.04.2021, this Court passed the following order:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Learned counsel for the petitioner by referring to the statement of Mohinder Singh son of Shri Phuman Singh attached at page No.4 of the criminal miscellaneous application contends that the same does not disclose compliance with Section 82(1)(i) of the Cr.P.C., therefore, the order declaring the petitioner as a proclaimed person (Annexure P-1) dated 05.12.2019 is legally unsustainable.

Notice of motion. Notice regarding stay of the impugned order.

Mr. Sukhbeer Singh, learned AAG, Punjab, accepts notice on behalf of respondent No.1 and requests for time to prepare and to argue the case.

Issue notice to respondent No.2 for 12.05.2021.”

Keeping in view that the matter related to order, whereby the petitioner was declared as proclaimed offender and was for the fact that he absented from the trial. After appearing, he was granted time to surrender before the trial Court vide order dated 04.04.2024 observing as under:-

“1. Counsel for the petitioner prays for quashing of the impugned order dated 05.12.2019 (Annexure P-1) passed by Ld. JMIC, Phagwara, District Kapurthala whereby the petitioner has been declared as proclaimed person.

2. Petitioner stands summoned for the offence punishable under Section 138 of the Negotiable Instruments Act in complaint bearing NACT No.02/2017 titled as “Rajesh Kumar Vs. Hardeep Singh”

3. The petitioner evaded the process of law resulting in passing of the impugned order. Counsel for the petitioner submits that the petitioner is directed to appear before the trial Court on or before 19.04.2024.

3. In case the petitioner surrenders before the trial Court and applies for bail, the same shall be decided by the trial Court within a period of 7 days.

4. Adjourned to 26.04.2024.”

Learned counsel for respondent No.2 submits that the petitioner despite being specific direction given by this Court is not appearing before the trial Court.

The same fact is not disputed rather an application has been filed seeking another opportunity.

Keeping in view that the petitioner has successfully evaded the process of law for the last five years, this Court does not find any reason to grant any indulgence to the petitioner in view of his conduct.

The present petition is dismissed.

26.04.2024  
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( PANKAJ JAIN )  
JUDGE

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