

**132 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**Neutral Citation No. 2024:PHHC:042262  
CRM-M-15225-2024  
Date of Decision: March 22, 2024**

**Amit Gautam**

**...Petitioner**

**Versus**

**State of Haryana and another**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Ms. Dhivya Jerath, Advocate for the petitioner.

**DEEPAK GUPTA, J.(Oral)**

By way of this petition under Section 482 Cr.P.C., petitioner prays for quashing of order dated 27.04.2023 (Annexure P-1) passed by learned Judicial Magistrate 1<sup>st</sup> Class, Kalka, District Panchkula, whereby petitioner has been declared proclaimed person in a criminal complaint bearing NACT No.223 of 2020 under Section 138 of the Negotiable Instruments Act, 1881, titled as ***“Panipat Hire Purchase & Leasing Pvt. Ltd. v. Amit Gautam”***.

2. A perusal of the paper book would reveal that after recording preliminary evidence, accused (petitioner herein) was directed to be summoned vide order dated 18.08.2021. As per order dated 23.08.2022, notice sent to the accused was received back duly served despite which he did not appear. Bailable warrants were issued against the petitioner-accused, which were received back duly served through his wife, as per order dated 11.11.2022, but still he did not appear. Warrants of arrest were then issued, which were also intimated through his wife. Petitioner still did not appear as per order dated 06.02.2023 and in these circumstances after recording the satisfaction that petitioner was intentionally absconding and concealing

himself, proclamation under Section 82 Cr.P.C. was directed to be issued for 27.04.2023. It was specifically directed that report of the proclamation be awaited for 20.03.2023 and proclamation is to be published for 27.04.2023.

3. On 20.03.2023, statement of the Executing Constable was recorded regarding effecting of the proclamation notice. Petitioner did not appear on 27.04.2023, for which proclamation was effected despite the lapse of more than 30 days period and so he was declared proclaimed person.

4. Learned counsel for the petitioner could not point out any illegality whatsoever in the impugned order. As such, this Court does not find any ground, so as to allow this petition.

Dismissed.

**March 22, 2024**

sarita

**(DEEPAK GUPTA)**  
**JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No