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2024:PHHC:023705

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25275-2020 (O&M)
DECIDED ON:16.02.2024

VIJAY KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ramnish Puri Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

Ms. Maninee, Advocate for
Mr. Shekhar Verma, Advocate
for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 482 Cr.P.C., has been invoked seeking quashing of the impugned order dated 20.10.2010 (Annexure P-7), vide which, the petitioner was declared as a proclaimed offender in a complaint under Section 138 of Negotiable Instruments Act, 1881 preferred by respondent No.2.

2. It has been *inter-alia* contended by learned counsel for the petitioner that the written proclamation under Sections 82 Cr.P.C. was issued vide order dated 11.08.2010 and the case was adjourned to 21.09.2010. On 21.09.2010 the proclamation issued against the petitioner was not received back and a fresh proclamation was issued for 19.10.2010. The order dated 19.10.2010 shows that the

proclamation issued against the accused received back duly executed. Statement of tamili constable was also recorded. The assertion is that the period of 30 days had not elapsed from the date of publication of the proclamation as envisaged under Section 82(1) Cr.P.C. The contention of learned counsel for the petitioner is that the petitioner is ready to surrender before the trial Court.

3. Heard.
4. Without commenting upon the merits of the case and keeping in view the peculiar circumstances and sequence of events, as has been averred in the petition, the petitioner is directed to surrender before the trial Court within a period of 10 days from the date of receipt of certified copy of this order and to file an application seeking regular bail. On doing so, the trial Court is directed to consider and decide the application on the same very day in accordance with law.
5. With the afore-said observation, the present petition stands disposed off.

16.02.2024
Sham

(SANDEEP MOUDGIL)
JUDGE

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