

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

116

CRM-M-38000-2024
Date of decision: 14.11.2024

LALIT KUMAR ...Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER ...Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Rahul Deswal, Advocate for
Mr. Karan Garg, Advocate
for the petitioner(s).

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH. J.(Oral)

The present petition has been filed under Section 528 BNSS for quashing the impugned order dated 13.12.2021 (Annexure P-1) vide which the petitioner has been declared as proclaimed person in complaint case bearing No.NACT/224/2019 dated 22.10.2019, under Sections 138 of Negotiable Instruments Act titled as “Rajesh Kumar Vs. Lalit Kumar”.

2. Learned counsel for the petitioner submits that the mandatory procedure prescribed under Section 82(1) of Cr.P.C. has not been duly followed. He further draws the attention of the Court to Annexure P-9, wherein the notice/order dated 09.11.2021 was issued, directing officer Incharge of concerned Police Station to execute proclamation at the address provided in the said order and the petitioner was required to be present on 15.11.2021. Learned counsel for the petitioner further submits that 30 days mandatory period was not followed in

compliance of Section 82 of Cr.P.C and the petitioner was never served as he had left the said address. He has placed reliance upon the order passed in CRM-M-13638-2013 titled as *“Ashok Kumar vs. State of Haryana”* and in CRM-M-42896-2019 titled as *“Naveen Kumar Vs. State of Haryana”*.

3. Per contra, learned State counsel has opposed the petition and has submitted that there has been due compliance of the mandatory provisions of Section 82 CrPC.

4. Heard the rival submissions made by learned counsel for the parties.

5. Keeping in view the above submissions and considering the fact that as per provisions of Section 82(1) of Cr.P.C. the accused was not granted 30 days period from the date of proclamation to appear in the Court, this Court finds merit in the petition.

6. Accordingly, the petition is allowed. The impugned order dated 13.12.2021 (Annexure P-1) is hereby set aside. Petitioner is directed to surrender before the learned Trial Court on or before 29.11.2024 and, in case he surrenders he be released on interim bail subject to the satisfaction of the learned Trial Court.

14.11.2024
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No