



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

CRM-M-48029-2024

Date of decision: 25.09.2024

Mohit Soni

...Petitioner

Versus

Lakhwinder Singh and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. A.K. Sama, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking quashing of the impugned order dated 06.09.2024 (Annexure P-2) whereby the petitioner has been declared as proclaimed offender by the Court of Judicial Magistrate Ist Class, Jalalabad (West) in criminal complaint NACT/150/2020 titled Lakhwinder Singh Vs. Mohit Soni under Section 138 NI Act.

2. It is submitted that the impugned order is not passed by the learned trial Court in accordance with the provisions of Section 82 Cr.P.C. as per which 30 days clear period is to be given to the accused person to appear in the Court concerned from the date of publication of proclamation. The counsel for the petitioner further submits that in the present case the proclamation of accused was issued by the learned trial Court for 20.08.2024 vide order dated 18.07.2024 and the proclamation was executed and statement of serving official was recorded on 20.08.2024, but as statutory period of 30 days was not lapsed, the case was adjourned to 05.09.2024 for awaiting the presence of the petitioner. Thus, it is apparent that the required statutory period of 30 days was not given by the learned trial Court for the purpose of appearance of the petitioner. So, prayer is



made that the impugned order be set aside.

3. I have considered the submissions made by counsel for the parties.

4. Admittedly, proclamation of the petitioner under Section 82 Cr.P.C. was issued by the learned trial Court vide order dated 18.07.2024 and as per said proclamation the petitioner was directed to appear in the Court concerned on 20.08.2024 and from the perusal of order dated 20.08.2024, it appears that the said proclamation was executed and statement of serving official was recorded and as statutory period of 30 days had not lapsed, the case was 05.09.2024 for awaiting the presence of the petitioner. However, no intimation regarding extension of time given for appearance of the petitioner till 5/6.09.2024, was ever given to the petitioner. Thus, making it clear that minimum statutory period of 30 days as provided in Section 82 Cr.P.C. was not given to the petitioner for his appearance before the Court concerned with effect from the date of publication of proclamation. So, it is evident that the impugned order was not passed in consonance with the provisions of Section 82 Cr.P.C. In this context, reference is made to the law laid down by this Court in **Ashok Kumar Vs. State of Haryana & Anr. (Crl. Misc. No. M-13638 of 2013, decided on 05.08.2013).**

5. In light of above discussion, the impugned order is hereby set aside. The present petition stands disposed of in aforesaid terms.

25.09.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**