

2024:PHHC:169968



148.

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

CRM-M-63912-2024

Date of decision: 18.12.2024

Amit Joshi

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. HPS Rahi, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the present petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing the order dated 02.04.2019 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Kapurthala, in complaint No.NACT 566/2016 under Section 138 of Negotiable Instruments Act, titled as *Harnek Singh Versus Amit Joshi*, whereby the petitioner has been declared as a proclaimed person.

2. Learned counsel for the petitioner contends that the petitioner was caught unawares about the order dated 02.04.2019 (Annexure P-3) declaring him a proclaimed person. Learned counsel submits that there has been non-compliance of the provisions of Section 82 of Cr.P.C. and hence, the impugned order declaring the petitioner a proclaimed person deserves to be set aside. Learned counsel, however, submits that the petitioner is still willing and ready to appear, and surrender before the Trial Court. Hence, in

the aforementioned facts and circumstances, the petitioner be protected till his appearance before the Trial Court, and directions be given to the Trial Court that his bail application, which he would be filing on his surrender, be decided expeditiously.

- 3. Notice of motion.
- 4. Mr. Shiva Khurmi, AAG, Punjab, accepts notice on behalf of respondent No.1-State.
- 5. In view of the limited prayer made by the learned counsel for the petitioner, the instant petition is disposed of with the following directions;

The petitioner is to appear and surrender before the trial Court within 07 days from today. Till then, no coercive steps be taken against the petitioner. This is contingent upon the petitioner paying a cost of Rs.5,000/- to be deposited with the District Legal Services Authority concerned.

- 6. It is made clear that in case, the petitioner fails to surrender before the Trial Court within 07 days from today, this order shall be of no avail to him, thereafter. In case, on appearance and surrender, the petitioner moves an application for bail, the Trial Court shall make earnest efforts to decide it expeditiously, in accordance with law.

(MANJARI NEHRU KAUL)
JUDGE

December 18, 2024
sanjeev

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No