



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

291

CRM-M-29818-2025 (O&M)

Date of decision: 18.11.2025

Gurmanjeet Singh

....Petitioner

Versus

The Dera Baba Nanak Primary Cooperative
Agriculture Development Bank Ltd

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Saurav Rao, Advocate for
Mr. Amandeep Singh Manaise, Advocate for the petitioner

Mr. Nitin Kaushal and Mr. Sahil, Advocates for the respondent

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the impugned order dated 05.09.2017, vide which the petitioner was declared as proclaimed person in a complaint case bearing No.NACT-133-2016 titled as The Dera Baba Nanak Primary Primary Co-operative Agriculture Development Bank Ltd. vs. Gurmanjeet Singh.

2. Learned counsel submits that the petitioner was summoned in a complaint filed under Section 138 NI Act vide order dated 05.11.2016, pursuant to which, he appeared before the trial Court and released on bail. Thereafter, the matter was referred to Lok Adalat, wherein he could cause appearance due to miscommunication with his counsel. Whereupon his bail was cancelled and bail bonds/surety bonds were forfeited to the State, leading to issuance of non-bailable warrants. Whereafter, on 20.07.2017, proclamation under Section 82 Cr.P.C. was issued for 17.08.2017 and the same was duly effected on 05.08.2017, thereafter, only to secure his presence, it was further adjourned to 05.09.2017. Thus, the



procedure mandated under Section 82 Cr.P.C. had not been followed, as the petitioner was declared proclaimed person without affording him the pre-requisite time period of 30 days to appear before the trial Court. He is ready and willing to join the proceedings and prays that one last opportunity may be granted to him to surrender before the trial Court. To buttress the submissions, reliance is placed upon judgments in the cases of CRM-M-29878-2022, **Sardar Singh and another vs. State of Punjab and another**, decided on 30.08.2022, **Uttam Sharma vs. State of Punjab and another**, CRM-M-31481-2021, dated 29.09.2021 and **Ashok Kumar vs. State of Haryana and another**, CRM-M-13638-2013, decided on 05.08.2013.

3. Learned counsel for the respondent submits that the petitioner has rightly been declared proclaimed person for having absented.

4. Heard.

5. It is apposite to refer to the provisions of Section 82 (1) Cr.P.C. which reads thus:-

“82. Proclamation for person absconding. -

(1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

(2) xx xx xx xx

(3) xx xx xx xx.”

6. In the present case, proclamation was issued on 20.07.2017 and thereafter, affixation of the notice was made on 05.08.2017, whereby he was directed to appear before the Court on 17.08.2017. Since, the mandatory period of 30 days to appear before the Court had not elapsed, the case stood adjourned to 05.09.2017, for the period to be completed, which is in teeth of the law laid down



in that regard. A gainful reference can be made to the judgment in **Ashok Kumar** (supra), relevant para of which reads thus:

“A copy of the proclamation was also affixed at conspicuous part of the Court house, which means that the publication was effected on 9.2.2013 for 6.3.2013, which shows that after the publication of the notice, the accused was not given the mandatory period of 30 days to appear before the Court. The mere fact that the Court adjourned it after the period of 30 days will not be treated as compliance of the provisions of Section 82 (1) Cr.P.C.”

7. The aforesaid judgment was relied upon in **Uttam Sharma** (supra), wherein the order of proclamation was set aside, as a clear 30 days time from the date of publication was not afforded before issuing absconding warrant against the accused as per the statutory provisions of Section 82 Cr.P.C.

8. In view of the above discussion, this Court finds that the requisite procedure as mandated by Section 82 Cr.P.C. was not completely followed in letter and spirit, thus, the continuation of proceedings would be an abuse of the process and deserve to be quashed, as held in **Ramesh Chandra vs. State of U.P., 2022 SCC OnLine SC 1634**.

9. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 05.09.2017, Annexure P-3, is set aside, subject to surrender by the petitioner before the trial Court on or before 04.12.2025 and payment of costs of Rs.15,000/- to the complainant-Bank. On furnishing bail/surety bonds, the trial Court shall release him on bail subject to its satisfaction. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it

may deem appropriate in the facts and circumstances of the present case.

- 10. The petition is disposed of.
- 11. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

18.11.2025
M.Kamra

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