

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

136

**CRM-M-36272-2019(O&M)
Date of Order:09.09.2019**

RAMANJIT SINGH

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vivek K.Thakur, Advocate, for the petitioner.
Mr. Bhupender Beniwal, AAG, Punjab

ANIL KSHETARPAL, J(Oral)

Petitioner prays for quashing of FIR No.36, dated 14.02.2003, registered under Section 61/1//14 of the Excise Act, 1914, at Police Station Sirhind, District Fatehgarh Sahib and for setting aside of order dated 30.10.2004 by which the petitioner was declared Proclaimed offender.

Petitioner is an accused in the aforesaid case and he along with the other co-accused were found drinking of 'Vodka' in a hotel, having a licence to serve beer. Half bottle of 'Vodka' was recovered.

This court has been informed that 3 other accused on confession were released on probation vide order dated 17.08.2006. However, since, the petitioner had by that time shifted to Canada, therefore, petitioner was declared proclaimed offender.

After hearing learned counsel for the parties, this court is of the considered view that this is a fit case for exercising of jurisdiction under Section 482 Cr.P.C.

Keeping in view the facts of the case, petitioner is also directed to be released on probation in terms of order passed by the Additional Chief Judicial Magistrate with respect to co-accused which is extracted as under:-

“ I have heard the convicts in person as well as their counsel and Ld. APP for the State on the quantum of sentence. The convicts have prayed for lenient view on the ground that they are first offenders and are poor men. I have considered their plea. They are first offenders and were not previous convict. Therefore, in view of the age, antecedent and character of the convicts as well as nature of offence committed by the convicts, I deem it a proper case where benefit of probation should be given. Therefore, the convicts are ordered to be released on probation on their furnishing probation bond in the sum of Rs.10,000/- with one surety in the like amount, each, for one year, with the direction to keep peace in the society and to be a good behaviour and to received sentence as and when called during this period. Further prosecution costs of Rs.200/- each are imposed upon the convicts. Costs deposited. File be consigned to Record Room.”

However, since the petitioner has absented from Court proceedings for a period of 19 years, therefore, petitioner is also imposed with a penalty of Rs.50,000/- to be deposited with State of Punjab.

Let the penalty be deposited and necessary bonds be furnished within 1 month.

Keeping in view the aforesaid facts, the present petition is allowed.

September 09, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No