

**119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-46383-2021
Date of Decision : 08.11.2021**

Baldev Singh @ Debi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ANOOP CHITKARAPresent: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Randeep Singh Khaira, AAG, Punjab.

ANOOP CHITKARA, J (ORAL)

Being aggrieved, the petitioner-accused has come up before this Court under Section 482 Cr.P.C. for quashing of the impugned order dated 11.01.2013 (Annexure P-3) passed by Sub-Divisional Judicial Magistrate, Nakodar, vide which the petitioner has been declared as proclaimed person in case FIR No.95, dated 02.05.2011 filed under Section 61(i) of Punjab Excise Act, 1914 registered at Police Station Shahkot, District Jalandhar and all other subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that the petitioner has offered explanation in respect of his proclamation, which reads as under :-

“That the petitioner could not appear before the Court of SDJM, Nakodar and his bail bonds and surety bonds were cancelled and the same were forfeited to the State. The proclamation against the petitioner was allegedly effected on 10.11.2012. In this regard, the statement of PHG Jagir Singh No.28247, P.S. Shahkot was recorded, in which he stated that on 10.11.2012, he visited the house of the petitioner and came to know from Sarpanch Pritam Singh, that the petitioner is not residing in his house. One copy of notice was affixed at the notice board of the Court and another copy of proclamation was affixed at the public place. The copy of statement of PHG Jagir Singh is Annexure P-2, attached with the petition”.

Given the explanation offered and the statement Annexure P-2 coupled with the Covid-19 Pandemic and in the facts and circumstances

peculiar to this case, this petition is allowed and the impugned order dated 11.01.2013 (Annexure P-3) is hereby quashed and set aside. The petitioner shall abide by the order passed on 28.10.2021 by the co-ordinate Bench of this Court in CRM-M-45210 of 2021, in letter and spirit.

The petition is allowed with the aforesaid terms.

(ANOOP CHITKARA)
JUDGE

November 08, 2021
Manpreet

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