

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

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**CRM-M-11806-2022
Date of Decision: 06.07.2022**

HARMAN SINGH @ BILLA @ DHARMINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Angel Walia, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Instant petition has been filed under Section 482 of Cr.P.C. for seeking quashing of order dated 28.02.2020 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Amritsar in case FIR No.55 dated 22.02.2017 under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Sadar, Amritsar Commissionerate, Amritsar, whereby the petitioner has been declared proclaimed person.

Learned counsel for the petitioner submits that pursuant to the order dated 21.03.2022, the petitioner has surrendered before the trial Court within the prescribed period of ten days and has been admitted to interim bail. He further undertakes to appear on each and every date during the proceedings before the trial Court.

In view of the above, the order dated 21.03.2022 is hereby made absolute.

Further, taking into consideration the fact that the directions for registration of FIR have not been issued in the impugned order dated 28.02.2020 declaring the petitioner as 'proclaimed person' and the proceedings not being punitive in nature and intended to secure the presence of the accused-petitioner, he cannot continue to be labeled as an absconder in the light of the law laid down by this Court in the matter of **Smt. Deeksha Puri Vs. State of Haryana** reported as **(2013) 1 RCR (Criminal) 159**. Hence, the impugned order dated 28.02.2020 (Annexure P-2) declaring the petitioner as 'proclaimed person' is set aside.

Instant petition stands allowed accordingly.

(VINOD S. BHARDWAJ)
JUDGE

06.07.2022
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No