

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(114)

CRM-M-6435-2023

Date of Decision: 08.02.2023

Sandeep Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. J.S. Brar, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

Instant petition has been filed under Section 482 Cr.P.C. praying for quashing of order dated 30.11.2022, passed by learned JMIC, Moga vide which the petitioner has been declared as proclaimed person in case FIR No.0194 dated 6.9.2018 under section 61/1/14 of Punjab Excise Act, registered at Police Station, City South, District Moga.

It has been contended by counsel for the petitioner that petitioner has been falsely implicated in this case. He submits that secret information was received by the police that co-accused of the petitioner namely Gurtej Singh and Jagsir Singh were bringing the liquor after purchasing the same from the liquor vends at Chandigarh on cheaper rates and were selling the same to the petitioner and two other persons. It is submitted that petitioner was not arrested from the spot and it was only alleged by the co-accused that the said liquor was being sold to the petitioner. Petitioner approached the court of learned Addl. Sessions Judge, Moga for grant of bail and the interim bail was granted to him vide order dated 26.9.2018 which was made absolute vide order dated 6.10.2018. Counsel submits that petitioner was regularly attending the court proceedings, however, due to the pandemic, petitioner could not appear on

one date and his bail bonds/surety bonds were forfeited vide order dated 8.10.2021. It is further submitted that the counsel of the petitioner did not inform him about the above said order and thereafter non-bailable warrants were issued against him, however, he was not aware about the same and only the Sarpanch of the village was informed about that. It is submitted that Sarpanch of the village did not inform the petitioner about the non-bailable warrants as also the proclamation proceedings against him. It is further submitted that absence of the petitioner was totally unintentional and impugned order is also against the mandate of Sections 82 and 83 Cr.P.C. However, at the outset, he submits that though the petitioner has been declared proclaimed offender but now in the attending facts and circumstances of the case, as the matter already stands compromised and the petitioner is ready to join the proceedings, the impugned order be set aside as prosecution of the petitioner would be nothing but an abuse of the process of the Court.

Notice of motion.

On asking of the Court, Mr. Sandeep Kumar, Deputy Advocate General, Punjab accepts notice on behalf of the State.

After hearing counsel for the parties and perusing the record, it is apparent that the petitioner approached the court of learned Addl. Sessions Judge, Moga for grant of bail and the same was granted to him vide order dated 26.9.2018 which was further made absolute vide order dated 6.10.2018. Thereafter, petitioner was regularly attending the court proceedings, however, due to the on going pandemic, petitioner could not appear on one date and his bail bonds/surety bonds were forfeited vide order dated 8.10.2021.

In the overall facts and circumstances of this case, this Court finds that the petitioner should be allowed to appear before the concerned Court and face the trial. Hence, the petition is disposed of. Order dated 30.11.2022 is set aside subject to payment of Rs.25,000/- as costs, to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh, by the petitioner within a period of one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and produce receipt of above said costs and files an application for bail, the Court concerned would consider and decide the same within three days thereafter in accordance with law. He will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioner fails to comply with the above said direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge, dated 30.11.2022 would come in force.

(RAJESH BHARDWAJ)
JUDGE

08.02.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No