

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

CRM-M-25615-2022

Date of decision : 13.02.2023

Vijay Kumar @ Romy

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ajiteshwar Singh, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing/setting aside of order dated 27.01.2021 passed by learned Judicial Magistrate Ist Class, Jalandhar a case FIR No.115 of 2017 dated 22.08.2017, under Section 61 (1) of the Punjab Excise Act, 1914, registered at Police Station Division No.4, Jalandhar City, Jalandhar, Punjab vide which, the petitioner was declared proclaimed person.

Learned counsel for the petitioner has submitted that no service of summons, bailable warrants and non-bailable warrants could be effected upon him and as such he could not appear before the Court below and join the proceedings in the above-said FIR and as a result thereof, he was declared proclaimed person. He submits that the petitioner is ready to join the proceedings and contest the case on merits.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted to the petitioner who remained absent on 10.10.2019 without any valid reason.

After hearing learned counsel for the parties, this Court is of the view that the present petition can be disposed of today itself. As the petitioner is ready to join the proceedings and no useful purpose will be served by sending him behind the bars rather it would be appropriate if he is sent to face trial of the case. So keeping in view the abovesaid contentions, the order dated 06.03.2021 is *set aside* subject to payment of Rs.15,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner. In case, the petitioner appears and surrenders before the Court concerned within a period of 7 days from today and produce receipt of abovesaid 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 7 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 06.03.2021 would come in force.

13.02.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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