

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

CRM-M-28467-2021

Date of decision : 17.01.2023

Raj Kumar Gupta and another

.....Petitioners

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rakesh Verma, Advocate and
Mr. Manish Verma, Advocate
for the petitioners.

Mr. Shubham Kaushik, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of the impugned order dated 04.10.2016 vide which petitioner No.1 has been declared as Proclaimed Person as well as order dated 17.12.2016 vide which petitioner No.2 has been declared Proclaimed Person by learned Judicial Magistrate Ist Class, Kapurthala in Complaint Case No.6052 dated 05.09.2011, under Sections 3(k)(i), 17, 18, 29 and 33 of the Insecticides Act, 1968 read with Rule 27(5) of Insecticides Rules, 1971.

It has been contended by counsel for the petitioners that petitioners have been declared as Proclaimed Person in violation of Section 82 Cr.P.C. He submits that the petitioners are keen to appear before the Court. Operation of the impugned order has already been stayed by this Court. He submits that in the facts and circumstances of the case, the petitioners be granted some protection to appear before the Court concerned as they are ready to abide by all the terms and

conditions.

Learned State counsel has opposed the contentions raised by learned counsel for the petitioners.

After hearing learned counsel for the parties, this Court is of the view that the present petition can be disposed of without issuing notice to respondent No.2 as resorting to that process will result in wastage of time. So keeping in view the abovesaid contentions, the present petition is disposed of and the orders dated 04.10.2016 and 17.12.2016 are *set aside* subject to payment of Rs.20,000/- (to be paid equally by the petitioners) as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioners. In case, the petitioners appear and surrender before the Court concerned within two weeks from today and produce receipt of abovesaid costs and files an application for redressal of their grievance, the Court concerned would consider and decide the same within three days thereafter in accordance with law. They will have protection from arrest for a period of two weeks from today.

Needless to say that in case the petitioners fail to comply with the abovesaid direction, they will have no benefit of abovesaid protection granted by this Court and orders under challenge dated 04.10.2016 and 17.12.2016 would come in force.

(RAJESH BHARDWAJ)
JUDGE

17.01.2023
m. sharma

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