

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

CRM-M-29618-2021

Date of decision : 17.01.2023

R.C. Sharma 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 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 petitioner No.1 has been declared as Proclaimed Person in violation of Section 82 Cr.P.C. He submits that petitioner No.1 is 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, petitioner No.1 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 order dated 04.10.2016 is *set aside* subject to payment of Rs.10,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by petitioner No.1. In case, petitioner No.1 appears and surrenders before the Court concerned within two weeks from today and produce receipt of abovesaid costs and files an application for redressal of his grievances, 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 two weeks from today.

Needless to say that in case petitioner No.1 fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 04.10.2016 would come in force.

(RAJESH BHARDWAJ)
JUDGE

17.01.2023
m. sharma

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