

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

CRM-M No.42406 of 2023 (O&M)

Date of Decision:21.12.2023

Arora Iron & Steel Rolling Mills Pvt. Ltd.

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ankush Rampal, Advocate for
Mr. Rahul Rampal, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

Mr. AvinitAvasthi, Advocate
for respondent No.5.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. praying for issuance of direction to respondents No.1 to 3 for arresting respondents No.4 and 5, who have been declared Proclaimed Persons vide separate orders dated 30.10.2019 (Annexures P-1 to P-5) passed by learned Judicial Magistrate 1st Class, Ludhiana in CRM No.43 of 2019 in COMA No.28530 of 2013, CRM No.47 of 2017 in COMA No.26110 of 2013, CRM No. 46 of 2017 in CRM-A-28533 of 2013 CRM No.45 of 2017 in COMA No.28533 of 2013, CRM No.48 of 2017 in COMA No.26913 of 2013 respectively.

2. In brief, the facts are that the petitioner-firm had filed five complaints against the private respondents on account of dishonour of cheques given by them in discharge of their legal liability. They have been declared as Proclaimed Persons in all the cases but till today, they are successful in

concealing themselves from the process of the law, despite having the knowledge of pendency of criminal complaints against them. They had approached this Court by way of separate petitions challenging the proclamation proceedings before the learned trial Court and the same stood dismissed. Even the jurisdictional police have not been able to apprehend them and produce before the learned trial Court. It is in this background, the present has been filed by the petitioner-firm for redressal of its grievance.

3. At the very outset, this Court is informed that respondent No.5 has put in appearance before the learned Judicial First Class, Ludhiana on 11.12.2023 and has been released on bail vide order of even date. In this backdrop, the present petition qua respondent No.5 has been rendered infructuous and dismissed as such.

4. Keeping in view the fact that the orders vide which the private respondents were declared as Proclaimed Persons were passed in the year 2015 and till date, having managed to conceal themselves from the process of the law, this Court vide order dated 22.11.2023, had directed the Commissioner of Police, Ludhiana to furnish following information by way of affidavit:-

- (i) *Number of persons declared proclaimed offenders each year for the last 15 years.*
- (ii) *Number of persons arrested and produced before the jurisdictional courts after being declared proclaimed offender.*
- (iii) *Number of cases wherein proceedings under Section 83 Cr.P.C. were initiated at the behest of State seeking direction from the court concerned to attach the property of the proclaimed offender/person.*
- (iv) *Number of cases wherein action has been taken by the State to initiate proceedings pursuant to issuing of proclamation order under Section 174-A IPC.*

(v) Whether any special cell has been constituted or periodic exercise was undertaken to arrest accused persons, who have been declared as proclaimed offenders/persons.

5. In compliance of order dated 22.11.2023 passed by this Court, Mr. Kuldeep Singh Chahal, IPS, Commissioner of Police, Ludhiana by way of his affidavit dated 07.12.2023 furnished the following information:-

Number of persons declared PO each year for the last 15 years			Number of persons arrested and produced before the jurisdictional courts after being declared proclaimed offender.		Number of cases wherein proceedings under Section 83 Cr.P.C. were initiated at the behest of State seeking direction from the court concerned to attach the property of the proclaimed offender/person.	Number of cases wherein action has been taken by the State to initiate proceeding s pursuant to issuing of proclamati on order under Section 174A IPC.	Whether any special cell has been constituted or periodic exercise was undertaken to arrest accused persons, who have been declared as proclaimed offenders/perso ns.
(i)			(ii)		(iii)	(iv)	(iv)
Year	Previou s POs	Newly declare d POs	Arrested/ bailed/die d	Pendin g			Sr. Superintendent of Police, Ludhiana office order No.829-879/Steno dated 23.11.2001.
2009	1781	424	182	2023	-	-	
2010	2023	356	219	2160	-	-	
2011	2160	352	240	2272	-	11	
2012	2272	453	325	2400	-	07	
2013	2400	433	348	2485	-	13	
2014	2485	321	273	2533	-	-	
2015	2533	299	230	2602	-	05	
2016	2602	685	588	2699	01	67	
2017	2699	366	422	2643	-	40	
2018	2643	510	458	2695	-	20	
2019	2695	569	434	2830	02	103	
2020	2830	160	167	2823	-	08	
2021	2823	678	510	2991	01	71	
2022	2991	686	509	3168	-	42	
upto 30.11.23	3168	1248	506	3910	-	107	
Total	-	7540	5411		04	494	

6. A perusal of the aforesaid table would depict that since 2009 till 30.11.2023, 7540 persons were declared proclaimed persons in District

Ludhiana out of which 5411 persons were arrested/released on bail/died and proceedings under Section 83 Cr.P.C. were initiated against 4 persons only. Additionally, proceedings under Section 174-A IPC were initiated against 494 persons.

7. The instant petition is disposed of in terms of order dated 21.12.2023 passed by this Court in CRM-M No.55907 of 2023 titled as *Darshan Singh Vs. State of Punjab and others*. Consequently, respondent No.2-Commissioner of Police, Ludhiana is directed to comply with the order passed by this Court in *Darshan Singh’s* case (supra).

(HARPREET SINGH BRAR)
JUDGE

December 21, 2023

Pankaj*

Whether speaking/reasoned
Whether reportable

Yes
No