

S. No.133

2024:PHHC:025703

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

CRM-M-10026 of 2024

Date of Decision:26.02.2024

Mani Jassa @ Mani Ram @ Maney Ram

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Harsh Chopra, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Sections 482 and 483 Cr.P.C., petitioner prays for setting aside order dated 18.10.2023 (Annexure P.10) whereby the petitioner was declared proclaimed offender in case FIR No.0004 dated 14.01.2019 registered under Sections 61, 1, 14 of Punjab Excise Act, 1914 at Police Station Sadar Ludhiana, District Ludhiana.

Learned counsel for the petitioner has drawn attention towards the order dated 28.08.2023 (Annexure P.6) whereby proclamation against the petitioner was directed to be issued for 19.09.2023. As per the report of the serving Police Official (Annexure P.8), the proclamation was effected on 10.09.2023. On 19.09.2023, as the period of 30 days' had not elapsed, the Court adjourned the matter for 18.10.2023 and then on the adjourned date of 18.10.2023, the petitioner was declared proclaimed offender.

Learned counsel for the petitioner is right in contending that there was no proclamation for 18.10.2023 and so, he could not be declared proclaimed offender on that date, whereas on 19.09.2023, for which date, the proclamation had been issued, the period of 30 days' had not elapsed.

Notice of motion.

Mr. Sahil R. Bakshi, AAG, Punjab, accepts notice on behalf of the respondent – State. Learned State Counsel could not refute the afore-said contentions.

Keeping in view the facts and circumstances above, clearly indicating the violation of Section 82 Cr.P.C, the order dated 18.10.2023 (Annexure P.10), whereby the petitioner was declared proclaimed offender, is hereby set aside. At the same, perusal of the earlier order dated 23.02.2021 passed by learned Additional Sessions Judge, Ludhiana would reveal that the petitioner was earlier on bail. He had been directed to surrender before the trial Court.

Learned counsel contends that the petitioner could not surrender due to Covid situation and that he is ready to surrender before the trial Court.

Order dated 23.02.2021 also reveals that the petitioner had also been granted bail and his bail was cancelled on 30.11.2019.

Looking into all the afore-said facts and circumstances , this petition is hereby disposed of with a direction to the petitioner to surrender before the trial Court on or before 07.03.2024 and apply for bail. On his surrender, the Court will proceed against the petitioner under Section 446 Cr.P.C and after disposal of those proceedings, shall admit the petitioner to bail. However, it is made clear that till the disposal of the proceedings under Section 446 Cr.P.C., petitioner shall not be taken into custody. If in the meantime, petitioner is sought to be arrested in view of the warrants of arrest/proclamation issued against him, he shall be admitted to interim bail to the satisfaction of Arresting Officer.

February 26, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No