



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

CRM-M-19293-2024

Date of decision: 30.07.2024

SUKHCHAIN SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

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SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been moved by the petitioners seeking quashing of the order dated 28.02.2023 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Patiala in case FIR No.99 dated 19.06.2019 registered under Section 61 of The Punjab Excise Act, 1914 at P.S. Passiana, District Patiala whereby the petitioner was declared as proclaimed person.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 20.04.2024, petitioner appeared before the learned trial Court on 25.04.2024 and furnished requisite bail bonds, surety bonds and placed on record copy of order dated 25.04.2024 passed by learned Judicial Magistrate Ist Class, Patiala. He contends that since the petitioner has joined the trial Court proceedings, as such, the order dated



CRM-M-19293-2024

-2-

28.02.2023 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Patiala whereby the petitioner was declared as proclaimed person, be quashed.

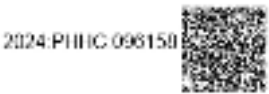
3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 25.04.2024 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 20.04.2024:-

“ The instant petition under Section 482 of Cr.P.C. has been filed for quashing of the impugned order dated 28.02.2023 passed by learned Judicial Magistrate Ist Class, Patiala (Annexure P-3) in case FIR No. 99 dated 19.06.2019 registered under Section 61 of The Punjab Excise Act, 1914, at P.S. Passiana, District Patiala, vide which the petitioner has been declared as a proclaimed person.

2. It is, inter alia, contended by learned counsel for the petitioner that the aforesaid FIR (Annexure P-1) was registered against the petitioner and the petitioner was granted concession of anticipatory bail by this Court in CRM-M-37587-2019 vide order dated 06.11.2019 and consequent thereto, the petitioner had appeared before the Investigating Officer and furnished the requisite bail bonds. He contends that thereafter on account of Covid-19 situation, the Courts were having limited working and in the meanwhile, the police had presented the challan in the absence of the petitioner on 18.06.2020. He further contends that the petitioner never received any notice or warrant in the case but the learned trial Court vide order dated 17.12.2022 passed in case bearing CIS No.250 of 2020 titled ‘State of Punjab Versus Sukhchain Singh etc.’ issued the proclamation under Section 82 Cr.P.C. for 21.01.2023. He submits that on 21.01.2023, the learned trial Court recorded the statement of serving official to adjourn the case to 28.02.2023. He submits that the petitioner is ready to face the trial and will regularly appear in the Court on each and every date of hearing without fail.



- 3. Notice of motion.
 - 4. On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and has not disputed the factual matrix.
 - 5. List on 13.05.2024.
 - 6. In the meanwhile, the petitioner is hereby directed to appear in the trial Court/Duty Magistrate within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court/ Duty Magistrate. The petitioner is further directed to furnish specific undertaking before the concerned Court that he will regularly appear on each and every date of hearing and in case of any exigency, he will seek exemption from the Court in accordance with law.”
6. Keeping in view the fact that the petitioner has already appeared on 25.04.2024 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 20.04.2024, passed by this Court, the present petition is allowed and order dated 28.02.2023 (Annexure P-3), passed by learned Judicial Magistrate Ist Class, Patiala, whereby the petitioner was declared as proclaimed person is hereby set aside and the interim bail granted vide order dated 20.04.2024 is hereby confirmed.
7. The Petition stands disposed of.

30.07.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |