

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21369 of 2024 (O&M)
Date of Decision:30.04.2024

Cannaught Plaza Restaurant Private Limited

...Petitioner

Versus

State of Punjab & Anr.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr.Mahir Sood, Advocate
For the petitioner.**

Mr.J.S. Dhaliwal, AAG Punjab.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking setting aside of order dated 12.10.2022 (Annexure P-2) passed by the Court of Additional Chief Judicial Magistrate, Jalandhar vide which the petitioner was declared as proclaimed person in a proceedings arising out of complaint having COMA No. 630 of 2015 titled State of Punjab Vs. Suneesh Gupta & Ors. under Sections 26, 27 of the Food Safety & Standards Act, 2006(Annexure P-1).

2. The counsel for the petitioner while assailing the impugned order submits that in the complaint (Annexure P-1) petitioner was not properly impleaded as a party. The counsel for the petitioner while referring to copy of resolution dated 04.03.2024 submits that petitioner is running his business under the name and style of Cannaught Plaza Restaurants Pvt. Ltd. whereas in the complaint (Annexure P-1) petitioner was impleaded as Mcdonalds (Restaurant) Axis Building, BMC Square Jalandhar through its

MD. The counsel for the petitioner further submits that it being so the

impugned order (Annexure P-2) whereby the petitioner was declared as proclaimed offender, is not sustainable being not passed in accordance with law. It is further submitted that another accused who appeared before the trial Court, was discharged vide detailed order dated 01.03.2023, the copy of said order is taken on record. The counsel for the petitioner further submits that the petitioner is ready to join the proceedings before the trial Court at the earliest, in order to avoid any further delay in trial.

3. Notice of motion.

4. Mr. J.S. Dhaliwal, AAG Punjab accepts notice on behalf of respondents No.1 and 2 and submits that there is no illegality in the impugned order which was passed by the learned trial Court as per mandate of Section 82 Cr.P.C.

5. I have considered the submissions made by counsel for the parties.

6. Apparently, it appears that petitioner is running his business under the name and style of Cannaught Plaza Restaurants Pvt. Ltd. but was impleaded as accused under the name of McDonalds (Restaurants) Axis Building, BMC Square Jalandhar through its MD and the impugned order has been assailed by the petitioner on this ground. Be that as it may, without expressing any opinion on the merits of the case, the impugned order is hereby set aside with direction to the petitioner to appear before the trial Court within 15 days and to seek bail. The aforesaid order is subject to costs of Rs.7500/- to be deposited by the petitioner with the District Legal Services Authority concerned.

(KARAMJIT SINGH)
JUDGE

30.04.2024
Jiten

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