



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29736-2024
Date of decision : 12.06.2024

Raman Kumar @ Rinku ...Petitioner

Vs.

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. G.S.Bhatia, Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

1. This petition has been filed under Section 482 Code of Criminal Procedure for setting aside the impugned order dated 20.01.2024 (Annexure P-8) passed by the trial Court in case FIR No.149 dated 13.08.2018 registered under Section 61, 1 of Punjab Excise Act, 1914 at Police Station Chattiwind, District Amritsar Rural, declaring the petitioner a proclaimed person.
2. Learned counsel for the petitioner, after arguing for some time, confines himself to the limited prayer for quashing the order dated 20.01.2024 (Annexure P-8) whereby the petitioner was declared as proclaimed person.
3. Learned counsel for the petitioner contends that since the offence being bailable the petitioner was released on bail by the Investigating officer. He submits that challan was presented on 12.03.2021, when the country was hit by the COVID-2019 Pandemic and thereafter the petitioner appeared in the

Court on receiving the warrants issued vide order dated 08.07.2022 (Annexure P-3) and petitioner appeared before the trial Court on 18.08.2022 and was released on personal bond. He further contends that when petitioner could not arrange the surety bonds, vide order dated 21.12.2022 (Annexure P-5), his bail bonds were cancelled and non-bailable warrants were issued and submits that since non-bailable warrants were not executed, the Court proceeded to issue proclamation vide order dated 30.09.2023 (Annexure P-6) for 14.12.2023. Finally, the petitioner was declared as proclaimed person vide impugned order dated 20.01.2024 (Annexure P-8). He also contends that impugned order has been passed without appreciating the fact that none of the warrants were duly executed and the trial Court proceeded with the proclamation proceedings and submits that petitioner is ready and willing to join the trial proceedings.

4. Notice of motion.

5. At this stage, Mr. Amit Goyal, Addl.A.G., Punjab, who is present in the Court accepts notice on the asking of the Court and submits that the impugned order dated 20.01.2024 has been passed on the sole ground of absence of the petitioner, however, it is not disputed by him that the petitioner was on bail and had been appearing before the trial Court.

6. A perusal of the order dated 20.01.2024 (Annexure P-8) reflects that the trial Court proceeded to declare the petitioner as proclaimed person for the solitary reason of absence of the petitioner.

7. The objective of Section 82 of the Code is to secure the presence of the accused. Once the accused is willing to appear and join trial proceedings, the objective has been achieved.

8. Consequently, the instant petition stands partly allowed and the

impugned order dated 20.01.2024 (Annexure P-8) is set aside. However, arrest of the petitioner is stayed for a period of one week only enabling him to put in appearance before the trial Court to face trial. Petitioner is directed to surrender before the trial Court within a week from today and on his doing so, he shall be admitted to bail subject to his furnishing personal bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(DEEPAK MANCHANDA)
JUDGE

12.06.2024
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No