



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

Sr. No.126

CRM-M-35135-2024

Date of decision : 24.07.2024

SHASHI BHUSHAN SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rakesh Verma, Advocate and
Mr. Manish Verma, Advocate
for the petitioner.

Mr. J.S. Dhaliwal, AAG Punjab.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 06.03.2023 (Annexure P-3) vide which the petitioner has been declared as proclaimed person in complaint case No.30 dated 18.09.2020, under Sections 3(K)(I), 17, 18, 29 and 33 of Insecticides Act, 1968 read with Rule 27(5) of Insecticides Rules, 1971 titled as "State vs. M/S Malana Pesticides & others".

2. Learned counsel for the petitioner submits that the mandatory procedure prescribed under Section 82(1) of Cr.P.C. has not been duly followed. He further draws the attention of the Court to Annexure P-3, wherein it is stated that statement of serving official SC Varjinder Singh 998 had been recorded, vide which he effected the proclamation qua the accused/petitioner on 27.02.2023 and the impugned order was passed on 06.03.2023. Learned counsel for the petitioner has placed reliance upon the



judgment rendered by this Court in CRM-M-13638-2013 titled as “*Ashok Kumar vs. State of Haryana*”.

3. Keeping in view the above submissions and considering the fact that as per provisions of Section 82(1) of Cr.P.C. the accused was not granted 30 days period from the date of proclamation to appear in the Court, this Court finds merit in the petition.

4. Accordingly, the petition is allowed. The impugned order dated 06.03.2023 (Annexure P-3) is hereby set aside. Petitioner is directed to surrender before the learned Trial Court on or before 01.08.2024 and, in case he surrenders he be released on interim bail subject to the satisfaction of the learned Trial Court.

(KIRTI SINGH)
JUDGE

24.07.2024
Kavita Nain

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