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

CRM-M-36840-2024**Date of decision : 06.09.2024****Lakhvir Singh****.....Petitioner****Versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Rajesh Bhateja, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of impugned order dated 07.03.2012 passed by learned Chief Judicial Magistrate, Moga (Annexure P-3) whereby the petitioner has been declared proclaimed offender in case FIR No.10 dated 26.01.2004 under Section 61 of Punjab Excise Act, 1914, registered at Police Station Sadar Moga, District Moga. Further prayer has been made for staying the operation of the impugned order dated 07.03.2012.

2. It has been contended by counsel for the petitioner that in the above said case the petitioner was regularly appearing before the trial Court. However, on one date i.e. on 04.01.2012, the petitioner could not appear before the trial Court and hence, his bail/surety bonds were cancelled and non-bailable warrants of arrest against him were issued. He submits that petitioner was ordered to be served through proclamation and



thereafter vide order dated 07.03.2012, he was declared as proclaimed offender. He submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner who remained absent on 04.01.2012 without any valid reason and thereafter, on 07.03.2012, he was declared as proclaimed offender.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on one day i.e. on 04.01.2012 and his bail was cancelled and bail bonds were forfeited to the State and non-bailable warrants were issued and thereafter, vide order dated 07.03.2012, he was declared as proclaimed offender. The petitioner is now keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 07.03.2012 is *set aside* subject to payment of Rs.10,000/- as costs to be paid to the 'Punjab and Haryana High Court Bar Association' by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.



7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 07.03.2012 would come in force and the present petition shall be deemed to have been dismissed.

06.09.2024
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(RAJESH BHARDWAJ)
JUDGE

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