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2024-PHHC-108580



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

CRM-M-39414-2024

Date of Decision: August 22, 2024

RAJAN MITTAL AND ANOTHER

....Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aalok Jagga, Advocate
for the petitioner(s).

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)

1. The present petition has been filed for quashing of the impugned order 13.12.2023 (Annexure P-6) passed by the Court of Smt. Radhika Puri, Chief Judicial Magistrate, Ludhiana in COMA No.4285/18, whereby the petitioner has been proceeded as a proclaimed person.

2. Learned counsel for the petitioner submits that the complaint (Annexure P-4) under Section 276B read with Section 278B of the Income Tax, Act, 1961, was filed on 31.03.2018 against one M/s Gurdaspur Overseas Limited situated at village Tugalwal, Beri Road, Gurdaspur and the present petitioner was erstwhile Director of the said company which is now under liquidation before the NCLT. He further submits that the petitioners were unaware of any such complaint being filed by the respondent as the petitioners did not receive any summons or warrants of any kind regarding the said complaint. However, without any proper



service, the petitioners were declared as a proclaimed person by the trial Court vide order dated 13.12.2023 (Annexure P-6), however, does not press the said issue and submits that the petitioner is ready to join the proceedings and shall not absent himself from the proceedings. He fairly submits that, in fact, his prayer for anticipatory bail has also been dismissed only on the ground that there is an impugned order operating against him.

3. Issuance of notice and seeking reply from the Department shall only procrastinate the trial further, which is only hold up due to the non-appearance of the petitioner and considering the fact that the petitioner is ready to surrender and proceed in the matter, which is listed for hearing on 28.08.2024.

4. In light of the above, the present petition is disposed of with a direction to the petitioner to surrender before the trial Court within two weeks subject to cost of Rs. 10,000/- to be deposited at Punjab and Haryana High Court Bar Association and a receipt of the same be produced before the trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

22.08.2024
Sangeeta

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