

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.57126 of 2023
Date of Decision: 29.04.2024

VARINDER SINGH ALIAS BABBU

.....Petitioner(s)

Vs
STATE OF PUNJAB

....Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Yajur Sharma, Advocate
For the petitioner.

Mr. Siddharth Sandhu, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for setting aside the order dated 12.10.2023 passed by the Judicial Magistrate First Class, Amritsar, whereby petitioner has been declared as proclaimed person in relation to FIR No.172 dated 15.07.2020 registered under Section 61 of the Punjab Excise Act at Police Station Kamboj, District Amritsar Rural.

[2]. Learned counsel for the petitioner submits that having been implicated in the aforementioned FIR, the petitioner was granted concession of anticipatory bail vide order dated 15.03.2021 passed by the Court of Addl. Sessions Judge, Amritsar and the petitioner had been regularly appearing before the Trial Court, but for 09.11.2022 when due to his non-appearance on account of his illness, he could not appear before the concerned Court, resulting into cancellation of his bail and forfeiture of bail/surety bonds to the State followed by passing of impugned order dated 12.10.2023 declaring him as a proclaimed person.

[3]. Impugning the aforesaid order, learned counsel for the petitioner submits that non-appearance of the petitioner was unintentional and was for *bona fide* reasons and petitioner even moved application for grant of anticipatory bail before the Court of Addl. Sessions Judge, Amritsar on 20.07.2023, however the same came to be dismissed on 27.07.2023.

[4]. On 16.04.2024, following order was passed by this Court:-

“By way of present petition the petitioner has prayed for setting aside order dated 12.10.2023 passed by the trial Court whereby he has been declared a proclaimed person in case FIR NO. 172 dated 15.07.2020, under Section 61 of the Punjab Excise Act, registered at Police Station Kamboj, District Amritsar Rural.

Learned counsel for the petitioner submits that there has been non-compliance of Section 82 of the Code of Criminal Procedure while declaring him as proclaimed person. Learned counsel also volunteers to provide 01 stretcher to the Government Hospital, Amritsar against receipt which shall be presented before this Court on the date fixed.

Notice of motion for 29.04.2024.

On the asking of Court, Mr.Kewal Krishan, learned Addl.AG, Punjab accepts notice.

In the meantime, the petitioner shall surrender before the trial Court within a period of one week from today and shall furnish his bail/surety bonds to its satisfaction and shall also file an affidavit that he shall continue to appear before the trial Court unless granted exemptions specifically.”

[5]. In pursuance thereof, the petitioner has already surrendered before the Trial Court on 23.04.2024 and furnished his bail bonds/surety bonds to the satisfaction of the concerned Court besides providing one stretcher to the Government Hospital, Amritsar as volunteered by him. Affidavit furnished by the

petitioner along with copy of receipt in this regard is taken on record. Petitioner also undertakes to face the proceedings continuously.

[6]. Accordingly once the petitioner already surrendered before the Trial Court and furnished his bail bonds/surety bonds to its satisfaction, thus, the impugned order dated 12.10.2023 passed by the Judicial Magistrate First Class, Amritsar cannot be sustained, resultantly the same is set aside. Petition stands allowed.

[7]. All pending applicant(s), if any, stand disposed of.

April 29, 2024
Atik

(HARKESH MANUJA)
JUDGE

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