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

**CRM-M No.1943 of 2025
Date of decision : 16.01.2025**

Paramjeet**.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Vikram Rathore, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing/setting aside the order dated 11.03.2024 (Annexure P-1) passed by the learned JMIC, Kurukshetra in case bearing No.CHI/408/2018 titled as 'State vs. Inderjeet Singh etc.' (pursuant to FIR No.29, dated 20.01.2018, police station Ladwa, under Section 61 of Punjab Excise Act) whereby the petitioner has been declared proclaimed offender without following the procedure laid down under Section 82 Cr.P.C. Further prayer has been made for setting aside the subsequent proceedings arising out of order dated 11.03.2024 and to protect the petitioner during the pendency of the present petition from arrest and he be permitted to join the Court proceedings pending before the learned JMIC, Kurukshetra.

2. Precise submission made by learned counsel for the petitioner is that the petitioner was prosecuted in the case FIR bearing No.29, dated



20.01.2018 filed under Section 61 of Punjab Excise Act, 1914. He has submitted that the present FIR was registered against co-accused, Inderjeet Singh, in which name of the petitioner was not mentioned as the allegations made were only against Inderjeet Singh. He has submitted that as per the FIR, Inderjeet Singh was involved in selling the country made liquor and when the raid was conducted, one box having ten country made liquor bottles and one box having four bottles of country made liquor were recovered. He failed to produce any licence regarding the conscious possession of the same and thus he was arrested. He has submitted that Inderjeet Singh made a disclosure statement wherein he has stated that Paramjeet Singh i.e. the petitioner visited him and said that if you will sell our liquor, you will get more profit and would reach at upper level and if something happens, they will save him. He has submitted that the petitioner surrendered before the Court and moved an application for grant of bail and thus he was granted bail on furnishing personal bond in sum of Rs.15,000/- on 08.02.2021. He has submitted that the petitioner did not appear on the date fixed in the case and thus non-bailable warrants were issued against him on 06.12.2021. He has submitted that as the warrant of arrest issued against the petitioner received back unexecuted, fresh warrant was issued on 02.08.2022. He has submitted that as the petitioner was out of Country, he remained unrepresented from 06.12.2021 to 04.11.2023. He has further submitted that the learned trial Court has issued proclamation under Section 82(1) of Cr.P.C. against the petitioner as well as co-accused, Inderjeet Singh vide order dated 15.01.2024. It has been submitted that the learned trial Court has issued summons/warrant of arrest against the petitioner but it was reported that the petitioner is not



residing in India. He has further submitted that despite non execution of the warrant of arrest, the petitioner has been declared as proclaimed offender vide impugned order dated 11.03.2024. He has submitted that the petitioner has been named in the FIR only on the basis of disclosure statement made by co-accused, Inderjeet Singh and there is no direct allegation against the petitioner. He has submitted that the petitioner is a law abiding citizen and ready to join the proceedings.

3. Notice of motion.

4. On the asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana appears and accepts notice on behalf of the respondent-State. He on the other hand contends that the petitioner was rightly declared as proclaimed offender and he is liable to be prosecuted in the said case, as he had failed to appear in the Court despite orders.

5. I have heard counsel for the parties and perused the record.

6. It is apparent that the petitioner was prosecuted in case FIR No.29, dated 20.01.2018 wherein he was implicated on the basis of disclosure statement made by co-accused, Inderjeet Singh in which he was declared as proclaimed person due to his absence. However the petitioner could not be served as he was residing in abroad. Taking into consideration the controversy involved in the present case, this Court is of the opinion that the present case can be disposed of at this stage as the petitioner was allegedly never served in the FIR nor was aware about the proceedings of the same. So, keeping in view the above-said facts when the petitioner is ready to join the main proceedings, continuation of the present proceedings with regard to proclaimed person shall be an abuse of the process of the Court.



7. Consequently, the present petition is disposed of subject to payment of costs of Rs.25,000/- to be deposited within 10 days from today by the petitioner with the Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15, Chandigarh and order dated 11.03.2024 (Annexure P-1) passed in FIR No.29, dated 20.01.2018, registered at Police Station Ladwa whereby the petitioner was declared Proclaimed Person by the learned Judicial Magistrate Ist Class, Kurukshetra along with subsequent proceedings arising out of the same is hereby quashed.

8. The petitioner is directed to appear before the Court of learned Judicial Magistrate Ist Class, Kurukshetra within a period of 10 days from today and file an appropriate application along with receipt of cost of Rs.25,000/- and the learned Judicial Magistrate Ist Class, Kurukshetra will admit him to bail during the pendency of the complaint and proceed with the proceedings/trial.

9. Needless to say that in case the petitioner fails to pay the cost and comply with the aforesaid direction, the order under challenge dated 11.03.2024 would come in force and the present petition would be deemed to have been dismissed.

16.01.2025
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(RAJESH BHARDWAJ)
JUDGE

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