



CRM-M-5892-2025

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

CRM-M-5892-2025

Date of decision : 12.09.2025

AMIT KUMAR

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. M.S. Toor, A.A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 582 BNSS, 2023 is for quashing of the order dated 21.12.2023 (Annexure P-6) vide which the petitioner has been declared a proclaimed person in FIR No.01 dated 04.01.2021 registered under Sections 61, 78(2)/1/14 of Punjab Excise Act (Sections 307, 353, 186, 322 IPC added later on) at Police Station Focal Point, Ludhiana.

2. The brief facts of the case are that the petitioner was nominated as an accused in the aforementioned case. He was granted the concession of anticipatory bail vide order dated 18.06.2021 (Annexure P-2). On conclusion of the investigation, the report under Section 173(2) Cr.P.C. came to be presented against him on 19.01.2022. Notices were issued to him but were never served upon him. Subsequent bailable and non-bailable warrants also remained unserved.

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3. Thereafter, as the petitioner did not appear before the Court, the impugned order dated 21.12.2023 (Annexure P-6) came to be passed declaring the petitioner and two of his co-accused Vipin Kumar and Rahul proclaimed offenders.

4. The present petition has been filed challenging the impugned order to the extent that it has declared the petitioner a proclaimed offender.

5. The learned counsel for the petitioner contends that after filing of the challan before the Illaqa Magistrate notices and warrants of arrest were never served upon the petitioner. In fact, no efforts have been made to serve him at his correct address and the proclamation has been effected on the wrong address as is apparent from the statement of the concerned Head Constable dated 02.10.2023 (Annexure P-4). As the petitioner is ready and willing to join proceedings, the impugned order is liable to be quashed.

6. An affidavit dated 09.09.2025 by way of an affidavit of Jasbinder Singh, PPS, Asstt. Commissioner of Police, Industrial Area-A, Ludhiana has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that the impugned order has rightly been passed as after the petitioner was granted the concession of anticipatory bail, he absented himself from the proceedings. Therefore, the present petition is liable to be dismissed.

7. I have heard the learned counsel for the parties.



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8. Admittedly, the petitioner was granted the concession of anticipatory bail vide order dated 18.06.2021 (Annexure P-2). The report under Section 173(2) Cr.P.C. was presented. It was only then that notices were issued to the petitioner and his co-accused to appear in Court. It appears that the notices and warrants were served upon the wrong address as is apparent from the statement of the serving Head Constable Nirmal Singh on 02.10.2023 which is reproduced below:-

*“Sir, It is requested that I HC visited at the given address for serving the above said warrants. However, due to the change in house numbers as new and old, the address of the above-mentioned accused could not be found. Therefore, the warrant could not be served.
Report is presented.*

Sd/-

*SC Nirmal Singh
02.10.2023”*

9. As the service of warrants upon the petitioner has not been effected, the question of declaring him a proclaimed offender does not arise.

10. In view of the above, I find merit in the present petition. Therefore, the order dated 21.12.2023 (Annexure P-6) stands quashed qua the petitioner alone. He is directed to join proceedings before the Trial Court immediately.

(JASJIT SINGH BEDI)
JUDGE

12.09.2025

JITESH

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