



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

CRM-M-44633-2025
Date of decision: 19.08.2025

Prince Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Tarun Sharma, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

1. By way of this petition filed under Section 528 of BNSS, prayer is made for quashing of order dated 29.11.2022 (Annexure P-3) passed by Learned Judicial Magistrate Ist Class, Pehowa whereby he has been declared as proclaimed offender in case having FIR No.159 dated 11.10.2017, under Sections 13-A, 3, 67 of The Punjab Gambling Act, 1867, registered at Police Station Ismailabad, District Kurukshetra (Annexure P-1).

2. It is contended by learned counsel that petitioner was earlier appearing before the trial Court but later on, due to the Covid-19 situation, he failed to appear. Thereafter, he left India and started residing in USA. Petitioner was not present in India when proclamation proceedings were initiated against him. On these grounds, the petitioner prays for setting aside the impugned order.

3. Perusal of the file reveals that petitioner was admitted to regular bail earlier. His personal appearance was exempted on 03.12.2019



and then on 24.01.2020. Case was fixed for prosecution evidence on 04.03.2020. Later on, due to Covid-19 situation, the matter was adjourned from time to time. As per order dated 09.12.2020, Court notice was directed to be sent to the petitioner and other co-accused. On 02.12.2021, Court notice sent to the petitioner Prince was received with the report that he had gone abroad. Later on, his bail was cancelled on 01.08.2022. Warrant of arrest were issued against him to procure his presence and then proclamation under Section 82 Cr.P.C. was directed to be issued on 06.10.2022 for 29.11.2022 with the direction to record the statement of the executing constable on 26.10.2022. Statement of the executing constable was recorded on 26.10.2022 showing the compliance of Section 82 Cr.P.C. Petitioner failed to appear on 29.11.2022, the date fixed for his presence and so on that day, he was declared proclaimed person.

4. To the specific query put by this Court, it is conceded by learned counsel for the petitioner while going abroad, petitioner did not seek any permission from the Court, despite the fact that he was earlier granted bail. Apart from this, learned counsel for the petitioner could not point out any violation of Section 82 Cr.P.C.

5. Considering all the facts and circumstances, this Court does not find any ground to set aside the impugned order in the absence of any illegality or perversity in the impugned order.

6. Dismissed.

19.08.2025

Yogesh

Whether speaking/reasoned:-
Whether reportable:-

(DEEPAK GUPTA)
JUDGE

Yes/No
Yes/No