



CRM-M-63210-2024

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

CRM-M-63210-2024

Date of Decision: 30.01.2025

Prateek Pathania @ Love

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Manish Singla, Advocate and
Mr. Neeraj Jain, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for setting aside the order dated 15.01.2020 passed by learned JMIC, Hoshiarpur, vide which the petitioner was illegally declared as proclaimed person in case No.CHA-181-2019 in FIR No.139 dated 01.11.2018, registered under Section 61 of the Punjab Excise Act, 1914, at Police Station Chabbewal, District Hoshiarpur.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR. He has submitted that the petitioner did not receive any notice from the trial Court, due to which he could not appear before it and was declared as proclaimed person vide order dated 15.01.2020. He has submitted that health condition of the petitioner is not good as he is suffering from congenital cyanotic heart disease. He submits that now petitioner is keen to join the proceedings and face the trial in the above said case and as such the order 15.01.2020 be set aside and he be allowed to be released during the pendency of the trial of the above said case.

3. Notice of motion.



4. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the State and has submitted that the petitioner has rightly been declared as proclaimed person by the trial Court as he remained absent from Court for a long time.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to his non-appearance of the petitioner, he was declared as proclaimed person on 15.01.2020. The reason behind his absence has been given by the petitioner that he was seriously ill which prevented him from appearing in the Court. This Court without going into the merit of the contention with regard to the illness of the petitioner as raised by counsel for the petitioner, proceeds to dispose of the present case. Now the petitioner is keen to join the proceedings and face the trial. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, no useful purpose would be served by sending him behind the bars, therefore, the order dated 15.01.2020 is set aside subject to payment of Rs.10,000/- as costs to be paid to Gurudwara Sri Guru Singh Sabha, (registered) Sector -7C, Chandigarh by the petitioner within a period of seven days from today.

6. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs of Rs.10,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of ten days from today. The trial Court is free to impose any condition it likes



on the petitioner while admitting him to bail.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 15.01.2020 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

30.01.2025
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No