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

CRM-M-11815-2026 (O&M)

Date of decision : 23.04.2026

Shiv Kumar @ Kalu @ Kala**.....Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Manoj K. Sharma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)**CRM-14749-2026**

Application is allowed as prayed for.

Annexures P-6 to P-19 are taken on record.

Main case

1. Prayer in the present petition is for quashing of the order dated 03.07.2023 passed by learned Judicial Magistrate Ist Class, Hoshiarpur vide which the petitioner has been declared as Proclaimed Person in FIR No.0127 dated 10.05.2020, under Section 188 IPC (now Section 223 BNS), Section 61-1-14 of the Punjab Excise Act of 1914, registered at Police Station Model Town, District Hoshiarpur keeping in view the facts and circumstances that the co-accused, namely, Naginder Gupta was acquitted by learned Judicial Magistrate Ist Class, Hoshiarpur on 29.08.2024 and other co-accused, namely, Pankaj was also acquitted in Section 188 IPC, however, Section 61-1-14 of the Punjab Excise Act,



1914, he was released on probation by the learned Judicial Magistrate Ist Class, Hoshiarpur on 29.08.2024.

2. It has been contended by learned counsel for the petitioner that the petitioner is a permanent resident of Village Katahari Kalan Post Office Katahari Bazar District Maharajganj Uttar Pradesh. Due to Covid-19 Pandemic, the petitioner had gone to his native Village in Uttar Pradesh, and, therefore, could not appear before the learned trial Court on 03.07.2023. It is further submitted that the notice issued to him was never duly served at his permanent address, thus, he was declared a proclaimed person vide order dated 03.07.2023. He has relied upon the judgment titled as Sudo Mandal @ Diwarka Mandal Vs. State of Punjab, 2011(2) RCR (Criminal) 453. He has submitted that now petitioner is ready and willing to join the proceedings and abide by the terms and conditions of bail.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. K.D. Sachdeva, DAG, Punjab accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly declared the petitioner as proclaimed person who remained absent on 03.07.2023 without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 03.07.2023 and was declared as Proclaimed Person. The reason given for the non-appearance by the petitioner is non-service of notice and ignorance about the pendency of the case. Now the petitioner is keen to join the



proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 03.07.2023 declaring the petitioner as proclaimed person is *set aside* subject to payment of Rs.15,000/- as costs to be paid to **Society for the Care of Blind, Sector-26, Chandigarh** within a period of 07 days from the date of receipt of certified copy of this order. In case the petitioner appears before the trial Court and files appropriate application along with receipt of costs before the trial Court within a period of 10 days from the date of receipt of certified copy of this order, the trial Court will admit him to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioner will have protection from arrest for a period of 10 days from from the date of receipt of certified copy of this order.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of this order and the order under challenge would stand automatically revived and the present petition shall be deemed to have been dismissed.

8. Disposed of in above terms.

23.04.2026
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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