



124

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

CRM-M No.24259 of 2026

Date of decision: 01.05.2026

Rocky**.....Petitioner**

versus

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

Present :- Mr. Malkiat S. Hundal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of impugned order dated 10.02.2026 (Annexure P-5) vide which the petitioner was declared as proclaimed person in FIR No.258, dated 09.11.2024, under Sections 61/1/14 of Punjab Excise Act, registered at Police Station City Tarn Taran, District Tarn Taran.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in a case bearing FIR No.258, dated 09.11.2024, under Sections 61/1/14 of Punjab Excise Act, registered at Police Station City Tarn Taran, District Tarn Taran. He has submitted that after registration of the FIR, the petitioner was granted the concession of regular bail by the learned Chief Judicial Magistrate, Tarn Taran vide order dated 19.11.2024. He has submitted that thereafter the petitioner was regularly appearing before the learned trial Court. He has submitted that due to miscommunication between the petitioner and his counsel, the petitioner could not appear before the learned trial Court on 15.09.2025 and, thus, the learned Court trial vide order dated 15.09.2025,



cancelled the bail of the petitioner, his bail bonds and surety bonds were forfeited to the State. The learned trial Court has also issued nonailable warrants against the petitioner. He has submitted that thereafter vide order dated 22.12.2025, proclamation under Section 84 BNSS was initiated against the petitioner. He has submitted that the learned trial Court vide impugned order dated 10.02.2026 declared the petitioner as proclaimed person. He has submitted that the order declaring the petitioner as proclaimed person is in violation of the provisions of Section 82 of Cr.P.C. He has submitted that the petitioner has good case on merits and absence of the petitioner is neither intentional nor willful. He has submitted that the petitioner is keen to join the proceedings. He has thus submitted that the petitioner be granted protection for appearing before the learned trial Court.

3. Notice of motion.

4. On asking of the Court, Mr. K. D. Sachdeva, DAG, Punjab appears and accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner has rightly been declared as proclaimed person as he remained absent from the Court without any valid reason.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in a case bearing FIR No.258, dated 09.11.2024, under Sections 61/1/14 of Punjab Excise Act, registered at Police Station City Tarn Taran, District Tarn Taran. The petitioner was thereafter granted the concession of regular bail by the learned trial Court. However, the petitioner remained absent as he was never served with any notice of proclamation under Section 84 of BNSS



and thereafter he was declared as proclaimed person. As submitted by learned counsel for the petitioner that the petitioner is ready to surrender before the Court and face the trial. Without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceeds to decide the matter as now the petitioner is ready and keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 10.02.2026 is hereby *set aside* subject to payment of costs of Rs.10,000/- to be paid to **the Society for the Care of Blind, Sector 26, Chandigarh** within a period of 07 days from today. The petitioner is directed to appear before the trial Court within a period of 10 days from the date of receipt of certified copy of this order and files appropriate application along with receipt of deposit of above-said costs, then 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 the date of receipt of certified copy of this order.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, he has no benefit of this order and the impugned order dated 10.02.2026 would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

(RAJESH BHARDWAJ)
JUDGE

01.05.2026

<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No