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

CRM-M-34792-2025

Date of decision : 07.07.2025

Gurbaz @ Gurbaj Singh**....Petitioner****versus****State of Punjab****....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Yashpal Thakur, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of impugned order dated 30.03.2024 (Annexure P-1) passed by learned Judicial Magistrate Ist Class, Samrala, District Ludhiana vide which the petitioner was declared as proclaimed person in FIR No.58 dated 12.05.2020 under Sections 61/01/14 of Excise Act and under Section 201 of IPC, registered at Police Station Machhiwara Sahib, Ludhiana along with all consequential proceedings arising therefrom.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the impugned FIR. He submits that without complying with the provisions of Section 82 Cr.P.C., petitioner was declared as a proclaimed person vide impugned order dated 30.03.2024 (Annexure P-1). He further submits that the petitioner was never served with any ordinary service nor with any substituted service as he was not residing at the address stated in the complaint. He has further submitted that there is nothing on record to show that the petitioner ever refused to accept the notice of the Court or remained away from the Court



intentionally. He has submitted that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail, if any imposed by this Court.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. J.S. Arora, D.A.G., 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 initiated proclamation proceedings under Section 82 Cr.P.C. and declared him proclaimed person who remained absent on several dates without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on several dates because of the reason that he was not residing at the address given in the complaint and proclamation proceedings under Section 82 Cr.P.C. were initiated against him and ultimately, he was declared as proclaimed person. But now the petitioner is keen and ready to join the proceedings and face the trial, so without going into the contentions raised by learned counsel for the petitioner that provisions of Section 82 Cr.P.C. have not been followed, this Court dispose of the present petition and the impugned order dated 30.03.2024 is *set aside* subject to payment of Rs.10,000/- as costs to be paid to the **‘Punjab and Haryana High Court Bar Association’** by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with



law. He will have protection from arrest for a period of 10 days from today.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 30.03.2024 would come in force and the present petition shall be deemed to have been dismissed.

07.07.2025

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**(RAJESH BHARDWAJ)
JUDGE**

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