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

CRM-M-24278-2026

Date of Decision: 13.05.2026

Bhushan Kumar

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jagraj Singh Khiva, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 22.12.2023 (Annexure P-5) passed by learned SDJM, Rajpura in a case FIR No.328 dated 26.12.2017, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station City Rajpura, District Patiala, vide which the petitioner has been declared proclaimed offender.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is submitted that the petitioner was regularly appearing before the trial Court, however, he was informed about his counsel that his case has been disposed of by the Court and he need not to attend the case any further. Thus, thereafter, the petitioner did not appear before the trial Court and on 22.12.2023, learned trial Court declared the petitioner proclaimed offender in blatant violation of the mandatory provisions of Section 82 Cr.P.C. It is further submitted that the petitioner's absence was neither deliberate nor intentional, but occurred due to circumstances beyond his control. The petitioner is now willing to appear before the Court concerned and comply with any conditions imposed by the Court. Accordingly, it is prayed that the order dated 22.12.2023



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declaring the petitioner a proclaimed offender be set aside.

3. Notice of motion.

4. Mr.Ekompal Sagoo, AAG, Punjab, accepts notice on behalf of the State and controverts the submissions made on behalf of the petitioner and submits that the petitioner deliberately avoided the process of law and remained absconding despite issuance of warrants. It is contended that due procedure under Section 82 Cr.P.C. was duly followed and sufficient opportunities were afforded to the petitioner to appear before learned trial Court.

5. After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was declared as a proclaimed person vide order dated 22.12.2023 due to his non-appearance. Without entering into the merits or examining the authenticity of the grounds urged for the petitioner's absence, this Court deems it appropriate to set aside the order dated 22.12.2023 declaring the petitioner as a proclaimed offender. Accordingly, the said order is set aside, subject to the petitioner depositing a sum of Rs.10,000/- (Rupees Ten Thousands only) as costs with **Punjab and Haryana High Court Dispensary Welfare Fund** within seven days from the date of receipt of a copy of this order.

6. The petitioner is directed to appear before the trial Court within a period of ten days from the date of receipt of copy of this order and file an appropriate application alongwith receipt of costs of Rs.10,000/-. The petitioner will have protection from arrest till ten days from the date of receipt of copy of this order.

7. Needless to say that in case the petitioner fails to comply with



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the abovesaid direction, this order would be of no avail to him and the order dated 22.12.2023 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

13.05.2026
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No