

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

**CRM-M-6646-2023
Date of decision : 09.02.2023**

Ashok Kumar and anotherPetitioners

versus

State of Punjab and another Respondents

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Gursimran Singh Madaan, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of proclamation order dated 05.12.2022 whereby the petitioners were declared proclaimed offender in FIR No.35 dated 13.06.2017, under Sections 447, 511, 427, 506 of IPC, registered at Police Station Kanwan Pathankot.

Learned counsel for the petitioners has submitted that the wife of petitioner No.1 and mother of petitioner No.2 is a chronic patient of mental disorder who needs continuous treatment from PGI, Chandigarh, due to which, the petitioners were temporarily residing at Chandigarh and no service of summons, bailable warrants and non-bailable warrants could be effected upon them and as such they could not appear before the Court below and join the proceedings in the above-said FIR and as a result thereof, they were declared proclaimed offender. He submits that the petitioners are ready to join the proceedings and contest the FIR on merit.

Notice of motion.

On asking of the Court, Mr. Sandeep Kumar, DAG, Punjab

accepts notice on behalf of the State.

Heard.

After hearing learned counsel for the parties, this Court is of the view that the present petition can be disposed of without issuing notice to respondent No.2 as resorting to that process will result in wastage of time. As the petitioners are keen to join the proceedings and face the trial so keeping in view the abovesaid contentions, the present petition is disposed of and the order dated 05.12.2022 is *set aside* subject to payment of Rs.25,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioners within a week. In case, the petitioners appear and surrender before the Court concerned within a period of 10 days from today and produce receipt of abovesaid costs and files an appropriate application, the Court concerned would consider and decide the same within three days thereafter in accordance with law. They will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioners fail to comply with the abovesaid direction, they will have no benefit of abovesaid protection granted by this Court and order under challenge dated 05.12.2022 would come in force.

09.02.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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