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

CRM-M-25730-2023

Date of Decision: 19.05.2023

Karnail Singh and others

..... Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Malkiat Singh Hundal, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

Prayer in the present petition is for quashing of order dated 08.12.2022 in complaint case No.COMI/77/2017 dated 12.10.2017 whereby the petitioners have been declared as proclaimed persons by the Court of learned Additional Sessions Judge, Ajnala.

It has been submitted by learned counsel for the petitioners that the petitioners were not served as their addresses were not completely mentioned in the petition and thus, they remained unaware of the proceedings. He submits that in the facts and circumstances of the case, prosecution of the petitioners would be nothing but an abuse of the process of the Court. He submits that the non-appearance of the petitioners was unintentional due to the reason that they were never served on the addresses as the complainant manages to get report of evading service qua them. He submits that the petitioners are ready and willing to appear before the competent Court and face the trial.

Notice of motion.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
accepts notice on behalf of the State.

Learned State counsel has opposed the submissions made by learned counsel for the petitioners and has stated that the trial Court has rightly declared the petitioners as proclaimed person on 08.12.2022, who remained absent without any reason.

After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioners have alleged that they could not be served because of their incorrect addresses given by the complainant and they were declared as proclaimed persons. The reason behind their non-appearance as stated by the petitioners is their wrong address and non-service. As the petitioners are now ready to join the proceedings and no useful purpose will be served by sending them behind the bars, rather it would be appropriate if they are directed to face the trial. So keeping in view the abovesaid contentions, order dated 08.12.2022 is *set aside* and the petitioners are directed to appear before the trial Court subject to payment of Rs.25,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within one week from today.

In case, the petitioners appear and surrenders before the Court concerned within a period of 10 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would admit them to bail subject to its satisfaction 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 fails to comply with the abovesaid direction, they will have no benefit of abovesaid protection granted by this Court.

19.05.2023
m.sharma

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No