

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

**CRM-M No.27850 of 2023
Date of decision : 31.05.2023**

Gurpreet Singh

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Hasrat Brar, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C praying for quashing of order dated 04.03.2023 (Annexure P-3) passed by the Judicial Magistrate Ist Class, Zira whereby the petitioner has been declared proclaimed offender.

It has been submitted by learned counsel for the petitioner that marriage of the petitioner was solemnized with respondent No.2 with the consent of both the family members in the year 2011 and out of this wedlock, a female child was born. It has been further submitted that thereafter a dispute arose between both the parties due to temperamental differences, which resulted into lodging of an FIR No.39, dated 05.05.2019, under Sections 406/420 IPC, at Police Station Zira by respondent No.2 against the petitioner. Ultimately, the matter was settled between the parties on 18.02.2023 and respondent No.2 received Rs.5,00,000/- as full and final payment from the petitioner. He has

further submitted that after the compromise dated 18.02.2023, the petitioner was under a wrong impression that he was not required to appear before the trial Court and as such, he did not appear before the trial Court and due to his absence, he was declared proclaimed offender vide order dated 04.03.2023.

Learned counsel for the petitioner has further stated that absence of the petitioner was neither intentional nor willful but was because of the above said reason and he is ready to join the proceedings and abide by the conditions imposed upon him by this Court while granting him relief prayed for.

Notice of motion to the official respondent.

Mr. Karunesh Kaushal, AAG, Punjab, accepts notice on behalf of respondent No.1-State and has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly declared the petitioner as proclaimed person on 04.03.2023 as he failed to appear before the trial Court on the date fixed.

After hearing learned counsel for the parties and perusing the record, it appears that the petitioner did not appear before the trial Court on the date fixed and because of his absence, the order under challenge declaring him proclaimed offender was passed. The petitioner has explained his absence by stating that he had compromised the matter with respondent No.2 and was under the impression that he was not required to appear before the trial Court as the matter had come to an end. Without commenting anything on the validity of the compromise alleged by the petitioner, this Court finds that it would be appropriate if the petitioner is directed to face the trial as he is keen to join the

proceedings, no useful purpose will be served by sending him behind the bars, rather it would be appropriate if the trial of the case proceeds further. So keeping in view the abovesaid contentions, order dated 04.03.2023 is *set aside* and the petitioner is 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 petitioner appears 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 him to bail subject to its satisfaction in accordance with law. He will have protection from arrest for a period of 10 days from today.

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 the order dated 04.03.2023 will come into force.

(RAJESH BHARDWAJ)
JUDGE

31.05.2023

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