



CRM-M-33348-2024

-1-

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

CRM-M-33348-2024

Date of Decision: 16.07.2024

Rajpal Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ajay Pal Singh Rehan, Advocate, for the petitioners.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 15.06.2024 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Batala (District Gurdaspur) in criminal complaint No.COMI-86-2022 dated 16.05.2022, under Sections 323, 325, 326, 452, 382, 427, 506, 148, 149 IPC titled as Balwinder Kaur vs. Paramjit Kaur etc. pending before learned JMIC, Batala (District Gurdaspur), whereby, the petitioners have been declared as proclaimed offenders.

2. It has been contended by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case. He has submitted that the summons as well as the non-bailable warrants were never served upon the petitioners. He submits that the petitioners came to know about the pendency of the present complaint in Ist week of June, 2024 and immediately filed application for anticipatory bail on 12.06.2024, however, during the pendency of the same, they were declared proclaimed offenders on 15.06.2024. He submits that thus, the bail application filed by the petitioners was dismissed on 16.06.2024 on the ground that they were declared as proclaimed offenders. He submits that absence of the petitioners was totally unintentional and due to the circumstances beyond their control.



CRM-M-33348-2024

-2-

He further submits that the petitioners are ready to appear before the trial Court on 29.07.2024, the date already fixed before it and abide by all the terms and condition, if any imposed by this Court or the trial Court. He further submits that the petitioner is entitled to be granted protection from arrest.

3. Notice of motion to the official respondent only.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the State. He submits that the petitioners have rightly been declared as proclaimed offenders by the trial Court and thus, the present petition is liable to be dismissed.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is evident that the petitioners were declared proclaimed offenders on 15.06.2024, when their application for anticipatory bail was already pending. It is also apparent that now the petitioners are keen to join the proceedings and abide by all the conditions of bail imposed by the trial Court. In these circumstances, when the petitioners are ready to join the proceedings and to face the trial, the order dated 15.06.2024 (Annexure P-3) is set aside subject to payment of Rs.10,000/- as cost to be deposited with the Punjab and Haryana High Court Bar Association by the petitioners within a week from today.

7. The petitioners are also directed to appear before the trial Court on 29.07.2024, the date already fixed before it and produce the receipt of abovesaid cost alongwith appropriate application and the trial Court would grant them bail till the disposal of the case on their furnishing bail/surety

bonds to its satisfaction. The petitioners will have protection from arrest till 29.07.2024, the date already fixed before the trial Court.

8. Needless to say that in case the petitioners fail to comply with the abovesaid direction, this order would be of no avail and the order dated 15.06.2024 will come in force.

9. Petition stands allowed in abovesaid terms.

16.07.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No