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

CRM-M-43643-2024

Date of Decision: September 04, 2024

Manpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Vishal Thakur, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

1. Prayer in the present petition is for quashing of impugned order, dated 29.05.2024, passed by learned Judicial Magistrate Ist Class, Ludhiana, vide which the petitioner has been declared as proclaimed offender in FIR No.103, dated 07.07.2020, under Sections 323, 341, 325 IPC (Section 325 IPC added later on), registered at Police Station Model Town, District Ludhiana.

2. Learned counsel for the petitioner has submitted that in the present case challan was presented on 04.10.2021 in the absence of the petitioner and as such notice was issued to him for 08.02.2022. However, in the order, dated 08.02.2022 it was specifically mentioned that presence of accused in all the cases stands exempted due to outbreak of Covid-19 and the case was adjourned to 15.03.2022 and notice was to be served upon him.

It is submitted that no notice was ever served upon him whereas in the order

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dated 16.08.2022, it has been observed by the learned trial Court that the notice issued to the petitioner was received duly served. Thereafter on various occasions, the trial Court issued bailable warrants of the petitioner as well but the same were also not served upon him. It is also submitted that after registration of the case, the petitioner went Dubai and as such he could not be served and proclamation proceedings under Sections 82 and 83 Cr.P.C. were initiated and vide order dated 09.04.2024, he was declared as proclaimed person and as he failed to appear despite proclamation, he was declared proclaimed offender on 29.05.2024, Annexure P-7. It is submitted that petitioner was not in India and as such, he could not appear before the Court below and join the proceedings in the above-mentioned case and as a result thereof, he was declared proclaimed offender. He submits that the petitioner is now in India and ready to join the proceedings and face the trial.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr.Tarun Aggarwal, Sr.DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents/State. He has opposed the contentions raised by learned counsel for the petitioner and submits that petitioner went abroad during pendency of the case without prior permission of the Court.

5. Heard.

6. After hearing learned counsel for the parties, it is apparent that as alleged by the petitioner he was on bail in the present case and the challan was presented in his absence and thereafter due to outbreak of Covid-19, he was exempted from personal appearance before the Court, and thereafter he

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bonds were cancelled and forfeited to the State and ultimately he was declared as a proclaimed offender. However, as he has now come back of his own to India and is ready to face the trial, this Court deems it appropriate to grant one opportunity to the petitioner to surrender before the trial Court and face the trial. Hence, the present petition is disposed of. Order dated 29.05.2024 is set aside subject to payment of Rs.25,000/- as costs to be deposited with the Punjab and Haryana High Court Employees Welfare Association within a period of three days' from today. The petitioner is directed to appear before the trial Court within a period of 3 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned would admit him to bail till the disposal of the case on his furnishing bail/surety bonds to its satisfaction. He will have protection from arrest for a period of 3 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 order under challenge dated 29.05.2024 would come in force and the present petition would be deemed to have been dismissed.

September 04, 2024

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(RAJESH BHARDWAJ)**JUDGE**

- 1. Whether speaking/reasoned ?**
- 2. Whether reportable ?**

Yes/No
Yes/No