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

CRM-M-47028-2024**Date of decision : 23.09.2024****Baljit Singh****.....Petitioner****Versus****State of Punjab and another****.....Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Vishal Sharma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of orders dated 22.05.2023 and 20.11.2023 (Annexures P-8 and P-9) passed by Judicial Magistrate Ist Class, Ludhiana in case FIR No.57 dated 17.02.2018 under Sections 420, 406 and 120-B IPC, registered at Police Station Division 5 Ludhiana, whereby the proclamation was issued against the petitioner and the petitioner was declared a proclaimed offender, respectively.

2. It has been contended by counsel for the petitioner that the petitioner was never served in the present case but the learned trial Court firstly issued the proclamation against the petitioner and then issued non bailable warrants vide order dated 22.05.2023 and ultimately declared him as proclaimed offender vide order dated 20.11.2023. He has further submitted that there is nothing on record to show that the petitioner has ever refused to accept the notice of the Court, however, he could not appear before the trial Court as he was having no knowledge about the



legal proceedings going on against him. He has submitted that now the petitioner is ready to join the proceedings and abide by the terms and conditions of bail.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly passed orders on 22.05.2023 and 20.11.2023 declaring the petitioner a proclaimed offender as he had failed to appear before the Court without any reasonable cause.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the reason given by the petitioner is non service of notice of the Court. When he is now keen and ready to join the proceedings and face the trial, so without going into the contentions raised by learned counsel for the petitioner that the petitioner was never served with the notice or warrants issued by the Court, this Court dispose of the present petition and the impugned orders dated 22.05.2023 and 20.11.2023 are *set aside* subject to payment of Rs.25,000/- as costs to be paid to the 'Day Care Centre for Elderly Disabled in home for old & Destitute People, Sector-15 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 files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a

period of 10 days from today.

7. 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 orders under challenge dated 22.05.2023 and 20.11.2023 would come in force and the present petition shall be deemed to have been dismissed.

23.09.2024
ps-I

(RAJESH BHARDWAJ)
JUDGE

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