



121

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

**CRM-M No.48994 of 2024
Date of decision : 30.09.2024**

Buta Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Balwinder Singh Chahal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C. praying for quashing of the order dated 16.08.2024 (Annexure P-6) passed by the Court of Ms. Harmandeep Kaur, Judicial Magistrate First Class, Ferozepur in FIR No.16, dated 09.02.2018, under Sections 419/420/467/468/471/120-B of IPC, 1860, registered at Police Station Mamdot, District Ferozepur, vide which the petitioner has been declared proclaimed offender, keeping in view of the facts mentioned in the present petition.
2. It has been contended by counsel for the petitioner that since 2019 to 01.05.2024, no summon/bailable or non-bailable warrants were issued against the petitioner. He has submitted that on 06.05.2024, non bailable warrants were issued against the petitioner but he did not receive any warrants. He has submitted that proclamation was issued against the petitioner on 16.07.2024 and on 16.08.2024, he was declared as proclaimed offender. He has submitted that absence of the petitioner was



not intentional as he was under impression that he was acquitted in the present FIR and thus, he did not appear before the Court. He submits that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail granted by this Hon'ble Court.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and 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 declared the petitioner as proclaimed offender, who remained absent without any valid reason.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner remained absent and thus, his non bailable warrants of arrest were issued. The reason for his absence that he was under the impression that he was acquitted in the present FIR. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 16.08.2024 is *set aside* subject to payment of Rs.25,000/- as costs to be deposited with the Punjab & Haryana High Court Bar Association, 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 order under challenge dated 16.08.2024 would come in force.

30.09.2024
rittu

(RAJESH BHARDWAJ)
JUDGE

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