



CRM-M-49808-2024

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

CRM-M-49808-2024

Date of Decision: 22.10.2024

Mandeep Singh Chana @ Mandip Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Manmeet Singh Rana, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 29.07.2013 (Annexure P-4) passed in CHI 01836/2013 titled as State vs. Mandip Singh, whereby the petitioner has been declared as proclaimed offender in a case FIR No.03 dated 03.01.2013 under Sections 406, 420 IPC registered at Police Station City Goraya, District Jalandhar.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR. He has submitted that the petitioner was unaware about the registration of the present FIR as he was not residing at the given address because of which he could not be served even through non-bailable warrants. Thereafter, proclamation was ordered to be issued against the petitioner on different dates and ultimately on 29.07.2013 after recording the statement of serving constable, the petitioner was declared as proclaimed offender, even without taking notice of the fact that mandatory period of 30 days between the date of publication of proclamation and date of appearance was not elapsed. He further submits that main reason for his non-appearance was that he was residing in Maharashtra prior to the registration of the FIR and as such he



could not be served and there was no malafide on his part. He submits that now the petitioner is keen to join the proceedings and face the trial in the above said case and as such the order dated 29.07.2013 is liable to be set aside and he be allowed to be released during the pendency of the trial of the above said case.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the State and has submitted that the petitioner has rightly been declared as proclaimed person by the trial Court as he remained absent from Court since the year 2013.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is evident that the reason given by the petitioner for his non-appearance before the trial Court is that he was residing in Maharashtra and his address given in the present case was of some other place i.e. village Chachrari, District Jalandhar and as such he could not be served in the present case and being unaware he was unable to appear before the trial Court on the dates fixed before it. Now the petitioner is keen to join the proceedings and face the trial. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, no useful purpose would be served by sending him behind the bars, therefore, the order dated 29.07.2023 is set aside subject to payment of Rs.50,000/- as costs to be paid by the petitioner to the complainant by depositing the same before the trial Court.

7. The petitioner is directed to appear before the trial Court within

a period of ten days from today and file an appropriate application alongwith costs of Rs.50,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of ten days from today. The trial Court will issue notice to the complainant and thereafter, the costs of Rs.50,000/- shall be paid to the complainant forthwith on his appearance before it. The trial Court is free to impose any condition on the petitioner while admitting him to bail.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 29.07.2013 will come in force and the present petition shall be deemed to have been dismissed.

9. Petition stands disposed of in abovesaid terms.

22.10.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No