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

CRM-M No.53061 of 2024 (O&M)

Date of decision : 29.11.2024

Amandeep Singh Gill

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sahil Vashishat, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)**CRM-42327-2024**

Allowed as prayed for.

CRM-M-53061-2024

1. Present petition has been filed praying for quashing of impugned order dated 31.08.2024 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Jalandhar whereby the petitioner has been declared as proclaimed person in NACT No.1563 of 2019 dated 15.03.2019. Further prayer has been made for staying the arrest of the petitioner and proceedings during the pendency of the present petition before this Hon'ble Court.

2. It has been submitted by learned counsel for the petitioner that the petitioner was granted the concession of bail after filing the complaint and he was duly appearing before the trial Court. He has submitted that the petitioner was under the impression that the



complainant would withdraw the complaint filed against him, so he failed to appear only on one date i.e. 12.04.2024, however his bail order was cancelled by the learned trial Court and bail bonds were forfeited to the State. He has further submitted that the petitioner approached the Court of learned Additional Sessions Judge, Jalandhar praying for the grant of anticipatory bail, however the same was declined vide order dated 04.09.2024. He has submitted that during the pendency of the bail petition, the petitioner was declared the proclaimed person by the learned Judicial Magistrate Ist Class, Jalandhar vide order dated 31.08.2024. He has submitted that absence of the petitioner before the learned trial Court was neither intentional nor willful and he is ready and willing to appear before the trial Court.

3. Notice of motion to official respondent No.1 only.
4. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of respondent No.1-State. He 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 person, who remained absent on 12.04.2024 and 31.08.2024 without any valid reason.
5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner remained absent on 12.04.2024 and his bail was cancelled and bail bonds were forfeited to the State. Further on 31.08.2024, the petitioner was declared as proclaimed person. The reason for his absence has been given that he was under the impression that the complainant would withdraw the complaint filed against him. 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 31.08.2024 is hereby *set aside*. 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, 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.

6. 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 31.08.2024 would come in force and the present petition would be deemed to have been dismissed.

29.11.2024
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(RAJESH BHARDWAJ)
JUDGE

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