



CRM-M-52861-2024

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

CRM-M-52861-2024

Date of Decision: 23.10.2024

Balwinder Pal Chanian

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ramesh Chand Sharma, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 16.11.2012 (Annexure P-2) passed by learned Sub Divisional Judicial Magistrate, Nakodar, District Jalandhar in FIR No.281 dated 13.12.2011, under Sections 323, 325 IPC, Police Station Nakodar, District Jalandhar vide which the petitioner has been declared proclaimed person.

2. It has been contended by learned counsel for the petitioner that due to misunderstanding among the brothers, the petitioner has been roped in the present FIR. He submits that after having been registered the FIR, the petitioner was granted bail, however, he went abroad without seeking permission of the Court. He submits that now the petitioner has returned to India on 03.10.2024 and is keen to join the investigation/proceedings and face the trial and as such the order dated 16.11.2012 is liable to be set aside.

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 2012.

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 after getting bail in the present case, the petitioner went abroad without the permission of the Court and as such he was declared proclaimed offender by the trial Court. 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, the order dated 16.11.2012 is set aside subject to payment of Rs.25,000/- as costs to be paid by the petitioner to the Day Care Centre for Elderly Disabled in home for Old & Destitute People, Sector 15, Chandigarh within a period of seven days from today.

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 the receipt of costs of Rs.25,000/- 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 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 16.11.2012 will come in force and the present petition shall be deemed to have been dismissed.

9. Petition stands disposed of in abovesaid terms.

23.10.2024

sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No