



CRM-M-54647-2024

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

CRM-M-54647-2024

Date of Decision: 05.11.2024

Sukhwinder Kumar @ Sukhwinder Singh @ Binder

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Abhimanyu Kalsy, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 20.03.2023 (Annexure P-27) and order dated 15.05.2023 (Annexure P-27A) passed by learned Additional Sessions Judge, Ludhiana in case bearing SC/257/2019 titled as State vs. Sukhwinder Kumar and another, vide which the petitioner has been declared proclaimed offender in FIR No.204 dated 04.10.2018, registered under Section 379, 411, 34 IPC, at Police Station Daresi, District Police Commissionerate, Ludhiana.

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 after suffering incarceration for a period of more than two months, the petitioner was granted regular bail by learned trial Court vide order dated 10.12.2018 and thereafter, he was regularly appearing before it till 02.09.2019. He submits that on 23.09.2019 and 11.12.2019, the petitioner filed application for exemption from personal appearance, which was allowed by the trial Court, however, thereafter, from 14.10.2019 to 23.04.2022, the petitioner could not appear before it due to unavoidable



circumstances. He further submits that thereafter, proceedings under Section 82 of Cr.P.C. were initiated against the petitioner and ultimately he was declared proclaimed offender on 20.03.2023. 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 orders dated 20.03.2023 and 15.05.2023 are 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 for a long time.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is evident that due to his non-appearance before the trial Court on various dates, he was declared proclaimed offender. 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 orders dated 20.03.2023 and 15.05.2023 are set aside subject to payment of Rs.25,000/- as costs to be paid to Sadhna Society for the Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, Chandigarh by the petitioner 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 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. The petitioner would have protection from arrest for a period of ten days from today.

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 orders dated 20.03.2023 and 15.05.2023 will come in force and the present petition shall be deemed to have been dismissed.

9. Petition stands allowed in abovesaid terms.

05.11.2024

sharmila

Whether Speaking/Reasoned

Whether Reportable

:

:

(RAJESH BHARDWAJ)

JUDGE

Yes/No

Yes/No