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

CRM-M-55164-2024

Date of decision : 07.11.2024

Karan Singh**.....Petitioner**

Versus

State of Punjab**....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Manjeet Singh, Advocate for
Mr. Lovish Rattan, Advocate for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 09.04.2024 (Annexure P-4) passed in case FIR No.166 dated 24.09.2022 under Sections 379-B, 506, 34 and 201 IPC, registered at Police Station Kamboj, District Amritsar vide which the petitioner was declared a proclaimed offender along with all consequential proceedings arising therefrom.
2. It has been contended by counsel for the petitioner that in the above said case the petitioner was on bail and was regularly appearing before the trial Court. However, due to miscommunication between the petitioner and his counsel, he missed the hearings from 16.10.2023 and as a result thereof his bail order was cancelled on 16.10.2023 and non-bailable warrants were issued against him. Thereafter, vide order dated 09.04.2024, he was declared a proclaimed offender. He submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail.
3. Notice of motion to official respondent only.



4. On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab 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 cancelled the bail granted of the petitioner who remained absent on 09.04.2024 without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 16.10.2023 and his bail was cancelled and bail bonds were forfeited to the State and non-bailable warrants were issued and thereafter on 09.04.2024, he was declared as proclaimed offender. The reason for his absence has been alleged that there was some miscommunication between the petitioner and his counsel. 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 16.10.2023 and 09.04.2024 are *set aside* subject to payment of Rs.25,000/- as costs to be paid to the complainant, by the petitioner within 10 days 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 costs of Rs.25,000/-, 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. In case the cost deposited as stated above, notice will be issued to the complainant and on his appearance, amount of Rs.25,000/- awarded as costs shall be paid to him forthwith.

8. 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 09.04.2024 would come in force and the present petition shall be deemed to have been dismissed.

07.11.2024
ps-I

(RAJESH BHARDWAJ)
JUDGE

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