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

CRM-M-55349-2024

Date of decision : 07.11.2024

Lalli @ Gurmukh Singh @ Gurbaksh Singh

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vikram Jeet Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing/setting aside of order dated 06.03.2024 (Annexure P-15) passed by the Ld. Sub-Divisional Judicial Magistrate, Assandh vide which the petitioner was declared a proclaimed person in FIR No.517 dated 19.08.2017 under Sections 148, 149, 153-B, 323, 427, 452 and 506 IPC, registered at Police Station Assandh, District Karnal.

2. It has been contended by counsel for the petitioner that the petitioner was not named in the FIR but during investigation his name surfaced and he was released on bail and the challan was presented in the Court. He further submits that on 12.09.2019 his bail was cancelled and bail bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants, which remained unexecuted. He has further submitted that vide order dated 29.11.2022, learned SDJM, Assandh ordered for issuance of proclamation under Section 82 of the Cr.P.C. against the petitioner and similar orders were passed thereafter and



ultimately on 10.10.2023 proclamation was executed. He has further submitted that vide order dated 06.03.2024, the petitioner was declared as proclaimed person without complying the mandatory provisions of law. He has further submitted that the petitioner is ready to surrender before the trial Court and face the trial by joining the proceedings and abiding by the terms and conditions of bail, if any imposed by this Court.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana 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 to the petitioner who remained absent on 06.03.2024 without any valid reason.

6. After hearing counsel for the parties and perusing the record, it is apparent that due to non-appearance of the petitioner his bail bonds/surety bonds were cancelled and he was ordered to be summoned through non-bailable warrants and ultimately on 06.03.2024, he was declared as proclaimed person. As submitted by learned counsel for the petitioner that now he is ready and keen to join the proceedings and face the trial, so without going into the merits of the explanation furnished by the petitioner for his non-appearance before the Court, this Court deems it appropriate to allow the petitioner to join the proceedings and face the trial. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 06.03.2024 is *set aside* subject to payment of Rs.5,000/- as costs to be paid to the 'Punjab and Haryana High Court Bar Association' by the petitioner within one week 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 receipt of abovesaid costs, 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. 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 06.03.2024 would come in force and the present petition shall be deemed to have been dismissed.

07.11.2024
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(RAJESH BHARDWAJ)
JUDGE

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