

118-2

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

CRM-M-55251-2024

Date of decision : 07.11.2024

Manoj Kumar

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. G.B.S. Dhillon, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

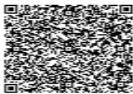
1. Prayer in the present petition is for quashing of order dated 19.08.2023 (Annexure P-6) passed by learned Judicial Magistrate Ist Class, Ludhiana in case FIR No.61 dated 06.05.2014 under Sections 420, 406 and 120-B IPC, registered at Police Station Division No.7, Ludhiana, District Ludhiana and subsequent proceedings arising therefrom. Further prayer has been made for staying the further proceedings before the trial Court.

2. It has been contended by learned counsel for the petitioner that after registration of the FIR, during investigation the petitioner and his wife were found innocent and the challan was presented against Surinder Pal Singh on 12.10.2016. He has further submitted that after examination of the complainant, an application under Section 319 Cr.P.C. was filed and the learned trial Court summoned the petitioner and his wife Pardeep Kaur to face the trial and on 20.03.2023, bailable warrants of the petitioner and his wife were issued on 03.04.2023, on which date non-bailable warrants of the petitioner and his wife were issued for 18.04.2023 and ultimately the case remained pending before the learned Judicial Magistrate Ist Class, Ludhiana, who on 01.06.2023 issued proclamation against the petitioner and his wife,



namely, Pardeep Kaur, for 14.06.2023. On 19.08.2023, petitioner and his wife, namely, Pardeep Kaur, were declared as proclaimed offenders by the learned JMIC, Ludhiana. It is pertinent to mention here that the petitioner and his wife were never served by the process server but the learned trial Court has failed to appreciate these facts and has proceeded to declare the petitioner as proclaimed offender. He has further submitted that the petitioner is ready to join the proceedings and abide by the terms and conditions of the bail, if any imposed by this Court.

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 19.08.2023 without any valid reason.
6. After hearing counsel for the parties and perusing the record, it is apparent that due to absence of the petitioner, he was declared as proclaimed offender on 19.08.2023. It is the case of the petitioner that he was never served and was unaware of the proceedings pending against him before the trial Court. So without going into the merits of the explanation furnished by the petitioner for his non-appearance, this Court deems it appropriate to dispose of the present petition and the impugned order dated 19.08.2023 is *set aside* subject to payment of Rs.25,000/- as costs to be paid to the '**Day Care Centre for Elderly Disabled in home for old & Destitute People, Sector-15 Chandigarh**' 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 19.08.2023 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