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

**CRM-M No.61014 of 2024
Date of decision : 05.12.2024**

Nachhatar Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of impugned order dated 03.06.2023 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Zira, District Ferozepur vide which the petitioner was declared proclaimed offender in case FIR No.74, dated 23.05.2017, under Sections 325, 323, 34 of IPC, 1860, registered at Police Station Makhu, District Ferozepur (Annexure P-1). Further prayer has been made for staying the arrest of the petitioner and operation of impugned order dated 03.06.2023 (Annexure P-2) passed by learned Judicial Magistrate First Class, Zira, Ferozepur during the pendency of the present petition.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in FIR No.74, dated 23.05.2017, under Sections 325, 323, 34 of IPC, registered at Police



Station Makhu, District Ferozepur, however he was granted parole by the learned trial Court and he was duly appearing before the trial Court. He has submitted that the petitioner was under the impression that case has been disposed of and he went to Italy, so he failed to appear only on one date i.e. 03.06.2023, however he was declared as proclaimed offender. He has submitted that absence of the petitioner before the learned trial Court was neither intentional nor willful and he is ready and willing to appear before the trial Court.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioner and has stated that the petitioner has been rightly declared as proclaimed offender, who remained absent despite orders without any valid reason.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner remained absent and thus, he was declared proclaimed person vide order dated 03.06.2023. The reason for his absence has been given that he was under the impression that the case has been disposed of and he went to Italy. As 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 03.06.2023 (Annexure P-2) is hereby *set aside* subject to payment of costs of Rs.10,000/- to be deposited with the Day Care Centre of 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.

6. 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 03.06.2023 would come in force and the present petition would be deemed to have been dismissed.

05.12.2024

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(RAJESH BHARDWAJ)
JUDGE

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