



CRM-M-60752-2024

-1-

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

CRM-M-60752-2024

Date of Decision: 04.12.2024

Dippu Singh @ Deepu

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sukhcharan Singh Gill, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 17.09.2024 (Annexure P-4), whereby, arrest/non-bailable warrants have been issued against the petitioner due to non-appearance on one date and his bail bonds were cancelled and order dated 11.11.2024 (Annexure P-5), vide which the petitioner was declared as proclaimed person, passed by learned JMIC, Sunam, in FIR No.73, dated 06.06.2016, under Sections 458, 323, 427, 506, 380, 148, 149 IPC, registered at Police Station Chhajali, District Sangrur.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the petitioner was granted regular bail by learned trial Court on 28.02.2018 and thereafter, due to his non-appearance before it, his bail bonds were cancelled and he was declared as proclaimed person vide order dated 24.11.2023. He submits that thereafter, the petitioner surrendered before the trial Court and also granted concession of regular bail on 01.07.2024 and he was regularly appearing before the trial Court. He further submits that the petitioner is a migrant worker and he was in Madhya Pradesh due to his work and thus, he could not appear before the Court on



CRM-M-60752-2024

-2-

17.09.2024, due to which his bail was cancelled and his bail/surety bonds were forfeited and he was ordered to be summoned through warrant of arrest and subsequently, vide order dated 11.11.2024, he was again declared proclaimed person. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the petitioner is ready to appear before the trial Court and abide by all the terms and conditions, if any imposed by this Court.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the State and has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner habitual of remaining absent from the Court and thus, the learned trial Court has rightly declared him proclaimed person as he intentionally did not appear before it.

5. After hearing learned counsel for the parties and perusing the record, it is evident that as the petitioner is a migrant worker and due to his alleged work, he failed to appear before the trial Court on 17.09.2024 on which date his bail was cancelled and his bail bonds/surety bonds were forfeited to the State and thereafter, on 11.11.2024, he was declared as proclaimed person. In these circumstances, when the petitioner is ready to join the trial and face the proceedings, the orders dated 17.09.2024 and 11.11.2024 are set aside subject to payment of Rs.5,000/- as cost to be paid to Sadhna Society for Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, Chandigarh by the petitioner within period of seven days from today.

6. 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 and the trial Court would grant him bail till the disposal of the case on his furnishing fresh bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of 10 days from today. The trial Court is free to impose any condition on the petitioner while admitting him to bail.

7. 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 17.09.2024 and 11.11.2024 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

04.12.2024

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No