



CRM-M-2237-2025

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

CRM-M-2237-2025

Date of Decision: 17.01.2025

Nanak Singh @ Ikattar Singh @ Iktar Singh Petitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Armaan Gagneja, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for setting aside/quashing the order dated 02.06.2023 (Annexure P-8) passed by learned Court of Sessions Judge, Sri Muktsar Sahib in case SC/33/2020 titled as State of Punjab and Nirmal Singh etc. in FIR NO.46 dated 27.06.2023 under Section 379-B IPC, registered at Police Station Kotbhai, District Sri Muktsar Sahib.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR. He has submitted that the petitioner was granted anticipatory bail by this Court vide order dated 01.09.2016 and thereafter, the petitioner was regularly appearing before the trial Court. He submits that on 10.10.2022, the petitioner could not appear before the trial Court for the first time and only on that day his bail was cancelled and his bail/surety bonds were forfeited to the State and the petitioner was ordered to be summoned through warrants of arrest and ultimately on 02.06.2023 was declared as proclaimed person in violation of the mandatory provisions of law under Section 82 Cr.P.C. He submits that now petitioner is keen to join the proceedings and face the trial



in the above said case and as such the order 02.06.2023 be set aside and he be allowed to be released during the pendency of the trial of the above said case.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the State and has submitted that the petitioner has rightly been declared as proclaimed person by the trial Court as he remained absent from Court for a long time.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to his non-appearance of the petitioner, he was declared as proclaimed person on 02.06.2023. Now the petitioner is keen to join the proceedings and face the trial. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, no useful purpose would be served by sending him behind the bars, therefore, the order dated 06.02.2023 is set aside subject to payment of Rs.10,000/- as costs to be paid to Punjab and Haryana High Court Employees Welfare Association, Chandigarh by the petitioner within a 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 of Rs.10,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of ten days from today. The trial Court is free to impose any condition it likes 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 order dated 02.06.2023 will come in force and the present petition shall be deemed to have been dismissed.
8. Petition stands disposed of in abovesaid terms.

17.01.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No