



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

CRM-M-3827-2025
Date of decision: 27.01.2025

Tarlochan Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Krishan Kumar Thakur, Advocate
for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. This is third petition filed under Section 528 of BNSS 2023 seeking quashing of order dated 12.02.2018 passed by the Court of Judicial Magistrate Ist Class, Hoshiarpur Annexure P-1 vide which the petitioner was declared as proclaimed offender in criminal case having FIR No.25 dated 23.04.2012 (Annexure P-2), under Sections 323, 325, 148, 149 of IPC, registered at Police Station Hariana, District Hoshiarpur. The petitioner has also sought quashing of aforesaid FIR Annexure P-2.

2. The counsel for the petitioner while restricting his arguments submits that he is aggrieved by the order dated 12.02.2018 passed by the Court of Judicial Magistrate Ist Class, Hoshiarpur vide which the petitioner has been declared as proclaimed offender in FIR Annexure P-2. The counsel for the petitioner further submits that at the relevant time, petitioner was residing in Canada and even now, petitioner is living there. It is further submitted that earlier also, the petitioner was given liberty to join



proceedings before the trial Court vide order dated 05.07.2019 Annexure P-5 passed in CRM-M-27973-2019. The petitioner due to his medical condition was not able to comply with the said order and finally, the aforesaid petition was dismissed as withdrawn vide order Annexure P-6 dated 10.09.2019. The counsel for the petitioner referred to documents Annexure P-7 and Annexure P-8, in order to establish that at the relevant time, the petitioner was suffering from different ailments for which, he was treated in Canada. The counsel for the petitioner further submits that during investigation, the petitioner was found innocent and later on, summoned under Section 319 Cr.P.C. to faced trial along with other accused persons. It is further submitted that co-accused who faced trial were acquitted by the Court concerned vide judgment dated 23.10.2018 Annexure P-3. It is further submitted that the petitioner is also ready to join the proceedings in the trial Court at the earliest.

3. Notice of motion.

4. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and submits that there is no illegality or perversity in the impugned order Annexure P-1 passed by the learned trial Court. He further submits that no doubt, co-accused who faced trial were acquitted vide judgment Annexure P-3, but the present petition deserves to be dismissed, as earlier also when the petitioner was directed to join proceedings before the trial Court, he failed to do so and finally, the concerned petition was dismissed as withdrawn vide order Annexure P-6.

5. I have considered the submissions made by counsel for the parties.



6. From the perusal of the record, it appears that at the relevant time, the petitioner was residing in Canada. It also appears that no notice, summons or warrants were issued to the petitioner with regard to pendency of FIR Annexure P-2 through Indian Embassy situated in Canada. Thus, there was violation of the provision of Section 105 Cr.P.C. Further, it appears that co-accused who faced trial were acquitted vide judgment Annexure P-3. It also appears that at present, the petitioner is aged about 80 years and on earlier occasion, he failed to join the proceedings in the trial on the basis of order Annexure P-5, due to his medical condition.

7. In light of the above, the impugned order Annexure P-1 dated 12.02.2018, being not passed in accordance with law deserves to be set aside.

8. Consequently, the impugned order Annexure P-1 dated 12.02.2018 passed by the Court of Judicial Magistrate Ist Class, Hoshiarpur is hereby set aside, subject to cost of Rs.15,000/- to be deposited with the Poor Patients Fund, PGIMER, Chandigarh within a period of next 4 weeks.

9. The present petition is allowed to the extent stated above.

27.01.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**