



143-2

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

CRM-M No.5275 of 2025

Date of decision : 29.01.2025

Rajesh Kumar**.....Petitioner**

versus

State of Punjab and another**..... Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Kanwaljeet Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of impugned order dated 13.09.2024 (Annexure P-9) passed by the Court of learned JMIC, Sangrur in case bearing No.CHI-121-2019 titled as 'State v/s Ram Singh etc.' whereby the petitioner has been declared as proclaimed person in FIR No.121, dated 15.11.2018, under Sections 420, 120-B of IPC, registered at Police Station Longowal, District Sangrur (Annexure P-2) on the basis of compromise dated 10.12.2024 (Annexure P-10) effected between the parties.

2. It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner was granted the concession of regular bail by the learned Additional Sessions Judge, Sangrur vide order dated 04.12.2019. He has further submitted that after being released on bail, the petitioner was regularly appearing before the learned trial Court. He



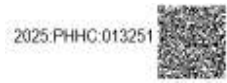
submits that in the year 2024, the petitioner was very ill and due to his ill health, he could not appear before the trial Court and thus, non bailable warrants for his arrest were issued. He has further submitted that due to continuous absence of the petitioner, the learned Judicial Magistrate First Class, Sangrur issued proclamation against the petitioner. Learned trial Court issued notice for summoning of the petitioner for 13.09.2024 and due to his non appearance, he was declared as proclaimed person vide order dated 13.09.2024 which fact came to his knowledge later on. He submits that absence of the petitioner was neither intentional nor willful. He thus, submits that now the petitioner is ready and willing to join the proceedings and abide by the terms and conditions of bail.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Senior DAG, Punjab accepts notice on behalf of respondent No.1-State. At this stage, Mr. K. S. Lakhanpal, Advocate has appeared and filed his power of attorney on behalf of respondent No.2 today in the Court and the same is taken on record.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly declared the petitioner as proclaimed person who remained absent from the Court without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent in 2024 and on 13.09.2024, he was declared as Proclaimed Person. The reason given by the petitioner for his absence is his illness. Without commenting anything about the authenticity of the ground of illness taken by the petitioner, this



Court proceed to decide the matter as now the petitioner is ready and keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 13.09.2024 declaring the petitioner as proclaimed person is *set aside* subject to payment of Rs.10,000/- as costs to be paid to the Bar Association of Punjab & Haryana High Court, Chandigarh within a period of 07 days from today. In case the petitioner appears before the trial Court and files appropriate application along with receipt of costs before the trial Court within a period of 10 days from today, the trial Court will admit him to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioner 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 have no benefit of this order and the order dated 13.09.2024 would stand automatically revived and the present petition shall be deemed to have been dismissed.

8. Disposed of in above terms.

29.01.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE