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

CRM-M No.6107 of 2025

Date of decision : 03.02.2025

Rajbir Singh @ Jagdish Singh @ Raja

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Krishan Singh Dadwal, Advocate and
Mr. Naresh Kumar, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 05.06.2024 (Annexure P-5) passed by the learned Additional District & Sessions Judge, Patiala whereby the petitioner has been declared as proclaimed offender in FIR No.57, dated 23.10.2024, under Sections 392, 382, 384, 506, 148, 149, 120-B of IPC and Sections 22-18 of Narcotic Drugs & Psychotropic Substances Act (Section 25 of Arms Act added later on), registered at Police Station Sadar Rajpura, District Patiala (Annexure P-1) keeping in view the fact that the said order is violative of Section 84 of BNS, 2023 as well as the fact that due to sudden illness, the petitioner remained unable to appear before the learned trial Court, despite the fact that he is residing in a village, however neither did he receive any summons, nor was the proclamation issued/affixed and further the petitioner prays that upon his appearance before the trial Court, he be



admitted to bail by accepting the bail bonds and surety bonds.

2. It has been contended by counsel for the petitioner that the petitioner has been implicated in the present case on the basis of presumptions and assumptions. He has submitted that the present FIR was registered by SI/SHO Surinderpal Singh and at the time of registration of the FIR, the petitioner was behind bars in some other case. He submits that when the petitioner was granted bail in that case, he was arrested in the present case on 18.01.2018. He has submitted that the petitioner was granted the concession of bail and after being released on bail, the petitioner was regularly appearing before the learned trial Court. He submits that due to his non appearance on one date, the petitioner was declared proclaimed offender on 04.01.2020 and thereafter he filed CRM-M-43915-2020 for quashing of FIR as well as subsequent proceedings including the order declaring the petitioner a proclaimed offender. He submits that this Court vide order dated 23.12.2020, directed the petitioner to surrender before the learned trial Court and upon his appearance, he was ordered to be granted interim bail and now the said case is pending adjudication before this Court for 08.05.2025. He submits that in compliance of order dated 23.12.2020, the petitioner was regularly appearing before the learned trial Court. However on some dates, due to compelling circumstances, he could not appear before the trial Court but he always sought exemption from his personal appearance from the Court. He has further submitted that on 29.01.2024, the petitioner moved an application for grant of exemption from appearance on the ground that he was suffering from viral fever, however the said application was rejected on the ground that the petitioner had not produced any medical certificate



or medical prescription and thus, his bail bonds and surety bonds were cancelled and warrants of arrest were issued against him. He submits that on perusal of order dated 12.03.2024, it is apparent that notice issued to the sureties received back unserved and the Court further hold that the case pertains to the year 2018 which falls under the category of action plan cases and as per the directions of Hon'ble High Court, said cases were to be disposed of expeditiously and thus proclamation proceedings were initiated for 27.03.2024. He has further submitted that on perusal of order dated 15.04.2024, it is apparent thatailable warrants remained unserved and proclamation could not be effected, thus, fresh proclamation was issued for 30.04.2024 and thus on that day i.e. 30.04.2024, while the proclamation received back duly effected, the serving officer was summoned for 04.05.2024 for recording of his statement. Since the 30 days's time limited was not elapsed by 04.05.2024, the case was adjourned to 05.06.2024. He has submitted that on 05.06.2024, the learned trial Court had noticed that statutory period was elapsed and the petitioner was not appearing, thus, he was ordered to be declared as proclaimed offender. He has further submitted that the petitioner was admitted in Ohri Hospital on 27.01.2024 and diagnosed of Encephalitis and High Grade Fever and he was undergoing treatment in the said Hospital for neurological problems. 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.

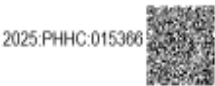
4. On asking of the Court, Mr. Tarun Aggarwal, Senior DAG,



Punjab accepts notice on behalf of respondent No.1-State.

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 earlier on 04.01.2020 and thus vide order passed by this Court dated 23.12.2020, he was directed to surrender before the learned trial Court and upon his appearance, he was granted interim bail. The petitioner thereafter was appearing before the learned trial Court and granted interim bail vide order dated 05.01.2021. However on some dates, due to his medical condition, the petitioner remained absent and thus vide order dated 12.03.2024, his bail bonds and surety bonds were cancelled and warrants of arrest were issued against him and thereafter proclamation proceedings were ordered to be initiated for 27.03.2024. Thus on 05.06.2024, he was declared as Proclaimed Person. The reason given by the petitioner for his absence is that he was undergoing treatment at Ohri Hospital for neurological problem. 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 05.06.2024 declaring the petitioner as proclaimed person is *set aside* subject to payment of Rs.25,000/- 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 05.06.2024 would stand automatically revived and the present petition shall be deemed to have been dismissed.

8. Disposed of in above terms.

03.02.2025
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(RAJESH BHARDWAJ)
JUDGE

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