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

**CRM-M No.16703 of 2024 (O&M)
Date of decision : 14.02.2025**

Amarjit Singh and another

.....Petitioners

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Mandeep Singh Sachdev, Advocate and
Ms. Mehar Sachdev, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

CRM-14826-2024

Allowed as prayed for.

CRM-M No.16703 of 2024

1. Prayer in the present petition is for quashing of impugned order dated 20.12.2024 (Annexure P-1) passed by the learned JMIC, Dasuya whereby the petitioners have been declared P.O. in case FIR No.29, dated 13.02.2001, under Section 420 of IPC, registered at Police Station Tanda, District Hoshiarpur as the said order is wrong, illegal and petitioners have been wrongly declared P.O. on the basis of false report, as the compliance of Section 82 Cr.P.C. has not been done in the present case.

2. It has been contended by counsel for the petitioners that the petitioners have been prosecuted in FIR No.29, dated 13.02.2001, under



Section 420 of IPC. He has submitted that the petitioners were granted anticipatory bail by the learned trial Court. However he has fairly submitted that thereafter the petitioners left India without permission of the Court. He has submitted that the petitioners have been declared proclaimed offender when they were abroad. He has submitted that both the petitioners are keen to return to India and join the proceedings. He has thus submitted that the petitioners be granted protection for appearing before the learned trial Court. He has submitted that the petitioners will return to India by 31.03.2025.

3. Notice of motion to official respondent No.1 at this stage.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of respondent No.1-State. He has opposed the submissions made by learned counsel for the petitioners and has stated that the trial Court has rightly declared the petitioners as proclaimed offender who remained absent from the Court without any valid reason.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioners were prosecuted in FIR No.29, dated 13.02.2001, under Section 420 of IPC. The petitioners were granted anticipatory bail by the learned trial Court, however they left India without permission of the Court and thus due to absence of the petitioners, they were declared proclaimed offender when they were abroad. As submitted by learned counsel for the petitioners that the petitioners will return to India by 31.03.2025. Without commenting anything about the authenticity of the ground of absence taken by the petitioners, 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 impugned order dated 20.12.2024 declaring the petitioners as proclaimed offenders is *set aside* subject to payment of Rs.25,000/- each as costs to be paid to the Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15, Chandigarh. The petitioners are directed to appear before the trial Court within a period of 10 days from the date of their arrival and files appropriate application along with receipt of deposit of above-said costs then the trial Court will admit them to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioners will have protection from arrest for a period of 10 days from the date of their arrival in India.

6. Needless to say that in case the petitioners fail to comply with the abovesaid direction within the stipulated period, they have no benefit of this order and the order dated 20.12.2024 would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

14.02.2025

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(RAJESH BHARDWAJ)
JUDGE

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