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

**CRM-M No.13388 of 2025
Date of decision : 12.03.2025**

Kewal Singh

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sunny Saggar, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of impugned order dated 27.11.2019 (Annexure P-11) passed by the learned Senior Division Judicial Magistrate, Nihal Singh Wala, Moga whereby the petitioner has been declared as Proclaimed Offender in case bearing FIR No.11, dated 09.02.2016, under Sections 354, 334, 323 of IPC, 1860 (Sections 354 & 334 of IPC replaced with Section 325 of IPC later on), registered at Police Station Bandi Kalan, District Moga, Punjab (Annexure P-1).

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in FIR No.11, dated 09.02.2016, under Sections 354, 334, 323 of IPC, 1860 (Sections 354 & 334 of IPC replaced with Section 325 of IPC later on). He has submitted that the petitioner had already left India before registration of the FIR. He

has submitted that the petitioner was not challaned, however he has been



summoned under Section 319 Cr.P.C. thereafter. He has submitted that the petitioner has been declared proclaimed offender in violation of the provisions of Sections 82 & 83 of Cr.P.C. He has further submitted that the petitioner is keen to return to India and join the proceedings. He has thus submitted that the petitioner be granted protection for appearing before the Investigating Agencies. He has submitted that the petitioner will return to India by 20.04.2025.

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 petitioner and has stated that the trial Court has rightly declared the petitioner 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 petitioner was prosecuted in FIR No.11, dated 09.02.2016, under Sections 354, 334, 323 of IPC, 1860 (Sections 354 & 334 of IPC replaced with Section 325 of IPC later on). The petitioner had already left India before registration of the FIR. He was not challaned, however he has been summoned under Section 319 Cr.P.C. and thereafter was declared as proclaimed offender. As submitted by learned counsel for the petitioner that the petitioner will return to India by 20.04.2025. Without commenting anything about the authenticity of the ground of absence 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



impugned order dated 27.11.2019 declaring the petitioner as proclaimed offender is *set aside* subject to payment of Rs.50,000/- as costs to be paid to the Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15, Chandigarh within a period of 07 days from the date of his landing in India. The petitioner is directed to appear before the trial Court within a period of 10 days from the date of his arrival and files appropriate application along with receipt of deposit of above-said costs then 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 the date of his arrival in India.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, he has no benefit of this order and the order dated 27.11.2019 would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

12.03.2025

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(RAJESH BHARDWAJ)
JUDGE

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