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

CRM-M-14416-2025

Date of decision : 01.04.2025

Dilbag Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sandeep Arora, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 15.07.2024 passed by Ld. Judicial Magistrate Ist Class, Jalandhar, vide which the petitioner has been declared as proclaimed person in case FIR No.79 dated 22.05.2016, under Section 323, 324, 342, 506 & 34 of IPC, registered at Police Station Division No.1, District Jalandhar, which order on the face of it is illegal, void and without any jurisdiction and is therefore liable to be set aside in the present petition.

2. It has been contended by counsel for the petitioner that neither the petitioner was served nor any intimation regarding issuance of proclamation against him ever received by him. He further submits that only on the basis of statement of serving constable that he had effected the proclamation at the address of the petitioner on 18.05.2024, the petitioner was declared proclaimed person vide order dated 15.07.2024. He has further submitted that there is nothing on record to show that the petitioner



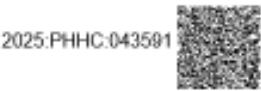
ever refused to accept the notice of the Court or remained away from the Court intentionally. He has submitted that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail, if any imposed by this Court.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab accepts notice on behalf of the respondent-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 on 15.07.2024 without any valid reason.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner remained absent on 15.07.2024 and the learned trial Court declared the petitioner as proclaimed person and proceedings under Section 82(4) Cr.P.C. were initiated against him. The reason for his absence was given that he was neither served nor any intimation regarding the proclamation proceedings was received by him. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 15.07.2025 is *set aside* subject to payment of Rs.10,000/- as costs to be deposited in the **Poor Patients' Welfare Fund, PGIMER, Chandigarh** by the petitioner in one week from today. In case, the petitioner appears before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He 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 will have no benefit of abovesaid protection granted by this Court and order under challenge dated 15.07.2024 would automatically come in force.

01.04.2025
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(RAJESH BHARDWAJ)
JUDGE

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