



CRM-M-15497-2025

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**101/7 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-15497-2025

Date of Decision: 10.11.2025

Kajal Debdas and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gurjant Singh, Advocate, for the petitioners.

Mr. J.S. Arora, DAG, Punjab.

Mr. Rohit Joshi, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 06.11.2024 (Annexure P-11), passed by learned Sub Divisional Judicial Magistrate, Balachaur in a case bearing CRM-122-2024 titled as State vs. Fatima Khatun, whereby, the petitioners have been declared as proclaimed persons in a case FIR No.72, dated 04.09.2023, under Sections 408, 420 IPC (Sections 465, 467, 468, 471 and 120-B IPC added lateron) registered at Police Station Kathgarh, District SBS Nagar, Nawanshehar.

2. It has been contended by learned counsel for the petitioners that the petitioners have been falsely prosecuted in the present case. He has submitted that the petitioners are residents of West Bengal and the summons issued by learned trial Court were never served upon them and they were declared as proclaimed persons vide order dated 06.11.2024. He submits that the absence of the petitioners were totally unintentional and beyond their control. He submits that now petitioners are keen to join the proceedings and face the trial in the above said case and comply with the



condition, if any imposed by the Court and as such the order dated 06.11.2024 declaring the petitioners as proclaimed persons, deserves to be set aside.

3. Learned State counsel has opposed the submissions made by counsel for the petitioners. He has submitted that learned trial Court has rightly declared the petitioners as proclaimed persons, as they intentionally did not appear before the trial Court.

4. After hearing learned counsel for the parties and perusing the record, it is evident that due to non-appearance of the petitioners, they were declared as proclaimed persons on 06.11.2024. The Court without going into the authenticity of the ground taken for the absence of the petitioners, deems it appropriate to set aside the order dated 06.11.2024 declaring the petitioners as proclaimed persons. Hence, the order dated 06.11.2024 is set aside subject to payment of Rs.25,000/- as costs to be paid by each of petitioners i.e. total costs of Rs.50,000/- to the complainant before the trial Court on his appearance.

5. The petitioners are directed to appear before the trial Court within a period of ten days from the date of receipt of copy of this order and file an appropriate application for grant of bail alongwith costs of Rs.50,000/- and the trial Court would deal with the same after hearing both the sides in accordance with law, expeditiously within a period of seven days from its filing. The petitioners will have protection from arrest for a period of ten days from the date of receipt of copy of this order.

6. Needless to say that in case the petitioners fail to comply with the abovesaid direction, this order would be of no avail to them and the

order dated 06.11.2024 will come in force and the present petition shall be deemed to have been dismissed.

7. Petition stands disposed of in abovesaid terms.

10.11.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No