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

CRM-M-15713-2025

Date of decision : 26.03.2025

Paramjit Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vipul Dharmani, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 21.12.2024 (Annexure P-4) passed by the Court of Ms. Sukhpreet Kaur, the then Ld. Judicial Magistrate Ist Class, Moga, in FIR No.0042 dated 08.07.2023 under Sections 406 & 420 of IPC, registered at Police Station Ajitwal, District Moga, whereby the petitioner has been declared as Proclaimed person. Further prayer has been made for staying the operation of Impugned order.

2. It has been contended by learned counsel for the petitioner that the challan in the present case was presented in the Court in the absence of the petitioner and after presentation of challan, no summons were received by the petitioner and the learned trial Court declared the petitioner as proclaimed person vide order dated 21.12.2024. He has further submitted that the petitioner was never served, as no police official ever came to him, so, he was unaware about the pendency of the present case and only came to know when his colleague from his previous office informed him that he has been declared as a proclaimed person and after this, he contacted his counsel, who told him that he is declared as



proclaimed person. 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 to official respondent only.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab accepts notice on behalf of the respondent-State, who submits that there is no illegality or infirmity in the impugned order and the trial Court has rightly declared the petitioner as proclaimed person.

5. From perusal of record, it appears that at the relevant time, the petitioner was not aware about the presentation of challan against the petitioner. There is nothing on the record to show that the Court concerned ever made any effort to effect personal service of the petitioner. Further, it could not be made out that minimum statutory period of 30 days from the date of proclamation was given to the petitioner for his appearance before the Court concerned, as per mandate of Section 82 (2) (i) (a) Cr.P.C.

6. In the light of above, this Court dispose of the present petition and the impugned order dated 21.12.2024 is *set aside* subject to payment of Rs.25,000/- as costs to be paid to the **“Day Care Centre for Elderly Disabled in home for old & Destitute People, Sector-15 Chandigarh”** by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 07 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 07 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 21.12.2024 would come in force and the present petition shall be deemed to have been dismissed.

26.03.2025
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(RAJESH BHARDWAJ)
JUDGE

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