



CRM-M-17527-2025

-1-

148

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

CRM-M-17527-2025

Date of decision : 01.04.2025

Tajinder Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Lakhwinder Singh Mann, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Present petition has been filed for quashing the impugned order dated 06.04.2004 passed by learned trial Court vide which the petitioner has been declared as Proclaimed Offender in cross case bearing FIR No.343 dated 06.09.2002, under Sections 323, 324, 148 & 149 of IPC, registered at Police Station Nakodar, District Jalandhar, as the same being wrong, illegal, unjust and against the provisions of Section 82 Cr.P.C. and also on account of the fact that a lawful compromise has already been effected between the parties in 2004.

2. Learned counsel for the petitioner has submitted that the petitioner was declared proclaimed offender vide order dated 06.04.2004. He submits that the petitioner had earlier approached this Court by way of filing of similar petition but the same was declined as the passport of the petitioner had already expired. Learned counsel further states that petitioner is abroad and ready to appear before the trial Court and join the proceedings and for the said purpose, he is coming to India on 30.05.2025.



He further states that as the entire proceedings were carried out at the back of the petitioner, so he is entitled to the protection by releasing him on bail enabling him to join the proceedings and face the trial. Learned counsel has further stated that the petitioner may kindly be allowed to appear before the trial Court and face the trial and as such, he may be allowed bail during the pendency of the trial and he is ready to abide by the terms and conditions if any imposed by this Court while allowing him bail.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Senior DAG, Punjab accepts notice on behalf of the 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 on 06.04.2004, due to his absence from the proceedings without any valid reason and as such he is not entitled to any relief.

5. After hearing learned counsel for the parties and perusing the record, it is apparent that petitioner was not in India and in his absence, FIR was registered wherein he was declared as Proclaimed offender vide order dated 06.04.2004. In view of the fact that the petitioner is now keen to join the proceedings and face the trial in the present case as is clear from the fact that he is coming back to India on 30.05.2025 for the said purpose. So, without going into the merits of the contentions raised by learned counsel for the petitioner regarding his unawareness about the pendency of the proceedings and consequent orders passed therein, this Court is of the opinion that it would be appropriate if one opportunity is granted to the petitioner to surrender before the trial Court and face the trial. Consequently, the present petition is disposed of and the order dated



06.04.2004 is *set aside* subject to payment of Rs.50,000/- as costs to be paid to Day Care Centre for Elderly Disabled in Home for Old & Destitute People, Sector-15, Chandigarh within a period of 07 days from the date of his arrival. The petitioner is directed to appear before the trial Court and file appropriate application along with receipt of costs before the trial Court within a period of 10 days from that day, 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 i.e. 30.05.2025.

6. 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 would come in force and the present petition would be deemed to have been dismissed.

7. Disposed of in above terms.

01.04.2025

ps-I

(RAJESH BHARDWAJ)

JUDGE

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