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

**CRM-21164-2025 in/and
CRM-M-21770-2023
Date of decision : 26.05.2025**

Sukhminder Singh @ Sam @ Happy

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Suneet Pal Singh Aulakh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

CRM-21164-2025

Instant application has been filed for preponing the date of hearing in the main case from 28.07.2025 to some early.

In view of the reasons mentioned in the application, same is allowed and the main case is taken up on Board today itself.

CRM-M-21770-2023

1. Prayer in the present petition is for setting aside of impugned order dated 07.12.2018, vide which the petitioner was declared as proclaimed offender in case bearing No.CRM-395-2018 passed by Id. Court of Chief Judicial Magistrate, Kapurthala in FIR No.119 dated 08.07.2011 under Sections 420 and 406 of IPC, registered at Police Station City Kapurthala, District Kapurthala, Punjab. Further prayer has been made for staying the operation of impugned order dated 07.12.2018.

2. It has been contended by counsel for the petitioner that in the above said case, the matter was compromised between the parties and due to misconception that the matter was compromised, the petitioner was



under impression that there is no criminal liability pending against him and he went to other State for his livelihood and because of this reason, he could not appear before the concerned Court. He submits that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail, imposed by the Court.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Addl.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 offender who remained absent on 07.12.2018.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner could not appear before the trial Court and was declared a proclaimed offender as he was in some other State but his absence was not intentional and now 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 07.12.2018 is *set aside* subject to payment of Rs.25,000/- as costs to be deposited in the **‘Spinal Rehab Centre, Chandigarh, Plot No.1, Madhya Marg, Sector-28/A, 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 07.12.2018 would automatically come in force.

26.05.2025
ps-I

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No

(RAJESH BHARDWAJ)
JUDGE