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

CRM-M-22201-2025

Date of decision : 28.04.2025

Mandeep Sidhu @ Mandeep Singh @ Gorkhi**.....Petitioner****versus****State of Punjab****.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Dhiraj Jindal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing/setting aside of impugned order dated 26.11.2019 (Annexure P-4) passed by learned Judicial Magistrate Ist Class, Sangrur whereby the petitioner was declared as proclaimed person in case bearing No.CHI/269/2018, titled as '*State of Punjab Vs. Manpreet Singh @ Mahni etc.*', arising out of FIR No.110 dated 10.06.2018 under Section 323, 325, 201 & 34 of IPC registered at Police Station Bhawanigarh, District Sangrur along with all consequential proceedings arising therefrom under Section 174-A IPC. Further prayer has been made for staying the operation of the impugned order dated 26.11.2019.

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 26.11.2019. He has further submitted that the mandatory provisions of Section 82 Cr.P.C. was



not followed. He submits that the petitioner was in abroad, when he was declared proclaimed person and he was unaware about the pendency of the present case. Learned counsel further states that the petitioner is ready to appear before the trial Court and join the proceedings and face the trial and for the said purpose, he is coming to India on 10.06.2025. He further submits that the petitioner is ready to abide by the terms and conditions if any imposed by this Court.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. Tarun Aggarwal, Senior DAG, 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 26.11.2019 without any valid reason.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that petitioner was in abroad and in his absence, he was declared as Proclaimed Person vide order dated 26.11.2019. 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 10.06.2025 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, 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 26.11.2019 is *set aside* subject to payment of Rs.20,000/- as costs to be paid to **Day Care Centre for Elderly Disabled in Home for Old & Destitute People, Sector-15,**



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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. 10.06.2025.

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 26.11.2019 would come in force and the present petition shall be deemed to have been dismissed.

(**RAJESH BHARDWAJ**)
JUDGE

28.04.2025*ps-I*

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