



CRM-M-23185-2025

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

CRM-M-23185-2025

Date of Decision: 02.05.2025

Bachittar Singh

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jasmeet Singh Ghuman, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 05.10.2009 (Annexure P-4) whereby the petitioner was declared as a proclaimed offender in FIR No.113, dated 12.06.2008, registered at Police Station Goraya, District Jalandhar under Sections 323, 324, 34 IPC.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner was granted bail in the present case, but thereafter, he absented from the Court and he was declared proclaimed offender vide order dated 05.10.2009 in violation of the mandatory provisions of law under Section 82 Cr.P.C.. He further submits that thereafter, the petitioner moved to Australia for better economic opportunities, thus, he could not approach this Court assailing the order dated 05.10.2009. He submits that the petitioner has never come to India after the year 2009. He submits that even otherwise co-accused of the petitioner has been tried and acquitted by the trial Court vide judgment dated 31.05.2013. He further submits that now the matter has also been compromised between the parties. He submits that now petitioner is keen to join the proceedings and face the trial in the above said case and as such the



order 05.10.2009 be set aside.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Addl. A.G., Punjab, accepts notice on behalf of the State. He has submitted that the petitioner intentionally remained absent from the Court for a long time and thus, learned trial Court has rightly declared him proclaimed offender.

5. After hearing learned counsel for the petitioner and perusing the record, it is evident that due to non-appearance of the petitioner, he was declared as proclaimed offender on 05.10.2009. The Court without going into the authenticity of the ground taken for the absence of the petitioner, deems it appropriate to direct him to appear before the Court concerned to face the trial in the present case, as now he is keen to join the proceedings and face the trial. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, no useful purpose would be served by sending him behind the bars, therefore, the order dated 05.10.2009 is set aside subject to payment of Rs.25,000/- as costs to be paid by the petitioner to the **Day Care Centre for Elderly Disabled in home for Old & Destitute People, Sector-15, Chandigarh** within a period of seven days from today

4. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs of Rs.25,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing bail/surety bonds subject to its satisfaction. The petitioner will have protection from arrest for a period of ten days from today. The trial Court is free to impose any

condition it likes on the petitioner while admitting him to bail.

5. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 05.10.2009 will come in force and the present petition shall be deemed to have been dismissed.

6. Petition stands disposed of in abovesaid terms.

02.05.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No