



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

CRM-M-27780-2025 (O&M)

Date of decision : 19.12.2025

Barjinder Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sandeep Sharma, Advocate for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

CRM-51613-2025

Present application has been filed for placing on record the copy of arrival ticket of the petitioner as Annexure P-9.

For the reasons mentioned in the application, same is allowed. Annexure P-9, is taken on record.

Main case

1. Prayer in the present petition is for quashing of FIR No.57 dated 01.03.1998 under Sections 279, 337, 338, 427, 304-A of IPC, registered at Police Station Sadar Jalandhar, District Jalandhar as well as impugned order dated 25.08.2004 passed by learned Additional Chief Judicial Magistrate, Jalandhar vide which the petitioner has been declared as proclaimed offender in the abovementioned FIR without complying with the provisions of Section 82 Cr.P.C and further on account of the fact that compromise has already been effected between the parties as per compromise deed dated 15.04.2025.

2. Perusal of the file shows that vide order dated 11.12.2025, prayer of the petitioner for quashing of present FIR on the basis of



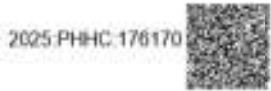
compromise has already been dismissed as not pressed and the present petition, now, survives only qua the prayer for quashing of order dated 25.08.2004.

3. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the present FIR. The petitioner remained absent on 28.11.2002 and thus, his bail was cancelled and he was summoned through non-bailable warrants of arrest. On 12.12.2003, report was received to the effect that the petitioner has gone abroad and consequently, ld. trial Court issued proclamation under Section 82/83 Cr.P.C. Despite proclamation executed, petitioner remained absent and ultimately, he was declared a proclaimed offender vide order dated 25.08.2004. He submits that the petitioner was in abroad, when he was declared proclaimed offender. 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 returning to India on 05.01.2026. To show his bona fide, he has placed on record the travel/arrival ticket, on record as Annexure P-9. He further submits that the petitioner is ready to abide by the terms and conditions if any imposed by this Court.

4. Notice of motion.

5. On asking of the Court, Ms. Ramta Chowdhary, D.A.G., Punjab accepts notice on behalf of the respondent-State. She has opposed the submissions made by learned counsel for the petitioner and has stated that learned trial Court has rightly declared the petitioner as proclaimed offender, who remained absent despite order.

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 offender. 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 returning to India on 05.01.2026 for the said purpose. So, without going into the merits of the contentions raised by learned counsel for the petitioner, 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 25.08.2004 is *set aside* subject to payment of Rs.50,000/- **(Rs.25,000/- to be paid to the High Court Employees' Welfare Association, Chandigarh and Rs.25,000/- to be paid to the Spinal Rehab Centre, Sector 28-A, Madhya Marg, Chandigarh)** within a period of 07 days from the date of his landing in India. The petitioner is directed to appear before the trial Court within a period of 10 days from the date of his arrival and files appropriate application along with the receipt of deposit of above-said costs, then 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.

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 25.08.2004 would come in force and the present petition shall be deemed to have been dismissed.

(RAJESH BHARDWAJ)
JUDGE

19.12.2025

ps-I
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No