



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

**CRM-M No.27677 of 2025 (O&M)
Date of Decision : 20.05.2025**

Gurmeet Singh @ Mithu

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Keshav Pratap Singh, Advocate and
Mr. Kunal Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

CRM-21043-2025

Allowed as prayed for.

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1. Prayer in the present petition is for quashing of impugned order dated 21.09.2024 (Annexure P-5) passed by the learned Judicial Magistrate Ist Class, Ludhiana, District Ludhiana vide which the petitioner has been declared proclaimed offender in FIR No.22, dated 27.01.2023, under Sections 379-B(2), 34 of IPC, registered at Police Station Division No.6, Ludhiana, District Ludhiana along with all subsequent proceedings arising therefrom. Further prayer has been made for staying the operation of impugned order dated 21.09.2024 (Annexure P-5) during the pendency of the present petition.

2. It has been contended by learned counsel for the petitioner that the petitioner was prosecuted in FIR No.22, dated 27.01.2023, under Sections 379-B(2), 34 of IPC. He has submitted that the learned trial Court issued warrant of arrest against the petitioner vide order dated



29.05.2024 for 06.07.2024. He has submitted that on the report that the notice issued to the petitioner has been received back unexecuted, however fresh non-bailable warrants were issued against the petitioner for 20.07.2024 and thus proclamation under Section 82 of Cr.P.C. against the petitioner was issued for 21.09.2024. He has submitted that petitioner is the driver of the truck and a daily wager. He has submitted that the proclamation order was not even executed and the learned trial Court arbitrarily presumed and held that the petitioner is intentionally evading service before it and thus issued proclamation against him and ultimately vide impugned order dated 21.09.2024, the petitioner was declared as proclaimed offender without following the proper procedure of law. He has further submitted that the petitioner is ready to surrender and face the trial. He has thus submitted that the petitioner be granted protection for appearing before the trial Court.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Addl. A.G., Punjab appears and accepts notice on behalf of the respondent-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, who remained absent from the Court without any valid reason.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in FIR No.22, dated 27.01.2023, under Sections 379-B(2), 34 of IPC. However the petitioner remained absent as he was never served with any notice of proclamation under Section 82 of Cr.P.C. and thereafter he was declared as proclaimed



offender. As submitted by learned counsel for the petitioner that the petitioner is ready to surrender before the Court and face the trial. Without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceeds to decide the matter as now the petitioner is ready and keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 21.09.2024 declaring the petitioner as proclaimed offender is *set aside* subject to payment of Rs.10,000/- as costs to be paid to the Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15, Chandigarh within a period of 07 days from today. The petitioner is directed to appear before the trial Court within a period of 10 days from today and files appropriate application along with 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 today.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, then he would not get benefit of this order and the order dated 21.09.2024 would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

(RAJESH BHARDWAJ)
JUDGE

20.05.2025

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