

2025:PHHC:076990



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

117

CRM-M-31143-2025 (O&M)

Date of decision: 01.07.2025

Gurmukh Singh @ Ghulla**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Deepak Kumar Arora, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 28.03.2025, passed by the Court of learned Sub Divisional Judicial Magistrate, Patti in case titled as *State vs. Gurmukh Singh and others*, arising out of FIR No. 62 dated 29.03.2018, registered under Sections 420, 465, 467, 468, 471, 380 and 120-B of IPC at Police Station City Patti, District Tarn Taran, whereby the petitioner had been declared a proclaimed person.

2. Learned counsel for the petitioner has submitted that he has been falsely implicated in the aforesaid case. The petitioner was granted concession of anticipatory bail by the Court of learned Additional Sessions Judge, Tarn Taran, vide order dated 11.05.2018 and after commencement of the trial, he was regularly appearing before the learned trial Court. However, he absented himself from the Court proceedings on 28.01.2025 due to noting down a wrong date, which resulted into cancellation of his bail, vide order of the same date. Thereafter, the petitioner could not appear before the Court as warrants

2025:PHHC:076990



and proclamation were issued by mentioning the name of father of the petitioner as 'Jarnail Singh', whereas his correct name is 'Jaimal Singh'. It is further argued that the absence of the petitioner before the Court on the said dates was neither intentional nor deliberate. He is ready to appear before the learned trial Court and abide by the terms and conditions to be imposed by this Court. He undertakes to attend the Court proceedings, as and when he is required to do so. It is, therefore, urged that the petition deserves to be allowed.

3. Notice of motion.

4. Ms. Himani Arora, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and submits that the petitioner was having due knowledge about the pendency of the trial and had intentionally avoided his appearance before the trial Court. Therefore, he was rightly declared a proclaimed person. Hence, it is urged that the petition is liable to be dismissed.

5. After advancing the arguments at length, learned counsel for the petitioner could not point out any lacuna in the impugned order. However, keeping in view the fact that he was earlier granted concession of anticipatory bail and was regularly appearing before the Court and is ready to join the Court proceedings which would obviously help in speedy conclusion of trial and also in view of the fact that the name of his father was not correctly mentioned in the warrants/proclamation, the present petition is allowed. The impugned order is hereby quashed. The petitioner is directed to surrender before the learned trial Court within a period of one week from today and on

2025:PHHC:076990



doing so, the learned trial Court shall release him on bail, subject to his furnishing fresh personal/surety bonds to its satisfaction.

6. Till the appearance of the petitioner before the learned trial Court, his arrest shall remain stayed.

7. It is made clear that in case the petitioner fails to appear before the learned trial Court within the stipulated time, this petition shall be deemed to be dismissed.

01.07.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No