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

**CRM-M-33639-2025
Date of decision : 09.07.2025**

Gurpreet Singh**.....Petitioner****versus****State of Punjab and another****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Amit Arora, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 26.05.2025 passed by the Court of learned Judicial Magistrate Ist Class, Patti, Tarn Taran, vide which the petitioner was declared as proclaimed offender in utter violation of Section 82 Cr.P.C. (Section 84 BNSS, 2023) and in a total illegal manner, arising out of criminal Complaint bearing NACT No.75 of 2021 dated 27.04.2021 filed under Sections 138 and 142 of Negotiable Instruments Act, 1881.

2. It has been contended by counsel for the petitioner that in the above said case, the petitioner was regularly appearing before the trial Court. However, he noted the wrong date of hearing and failed to appear and thus, the learned trial Court vide its order dated 27.03.2025 cancelled the bail order of the petitioner and non-bailbale warrants of arrest were issued against the petitioner. Thereafter, on 26.05.2025, due to non-



appearance of the petitioner, the learned trial Court has declared the petitioner as proclaimed offender. He submits that without complying with the provisions of Section 82 Cr.P.C., petitioner was declared as a proclaimed offender as the petitioner was never served with any proclamation. He has further submitted that the non-appearance of the petitioner was not intentional. He submits that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail, imposed by the Court.

3. Notice of motion.

4. On asking of the Court, Mr. J.S. Arora, D.A.G., 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 offender who remained absent from the Court despite orders.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner remained absent despite orders and because of this reason proclamation proceedings under Section 82 Cr.P.C. were initiated against him and ultimately, he was declared as proclaimed offender. But now the petitioner is keen and ready to join the proceedings and face the trial. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 26.05.2025 is *set aside* subject to payment of Rs.10,000/- as costs to be deposited in the **‘Spinal Rehab Centre, Chandigarh, Plot No.1, Madhya Marg, Sector-28/A, Chandigarh’** by the petitioner in one week from today. In case, petitioner appears before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the

Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.

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 26.05.2025 would automatically come in force.

09.07.2025
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(RAJESH BHARDWAJ)
JUDGE

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