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

CRM-M-37308-2025

Date of Decision: 17.07.2025

Islam

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Inderjeet Singh, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 18.04.2023 (Annexure P-2), whereby, the petitioner has been declared as proclaimed person under Section 82 Cr.PC. in a case FIR No.29/206 dated 16.10.2021, under Sections 32/33 of Indian Forest Act, 1927, Police Station Chhachrauli, District Yamunanagar.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the present case. He submits that without issuing non-bailable warrants, directly the petitioner was illegally declared as proclaimed person vide order dated 18.04.2023 in violation of provisions of Section 82 Cr.P.C. He submits that the absence of the petitioner was totally unintentional and beyond his control. He submits that now petitioner is keen to join the proceedings and face the trial in the above said case and comply with the condition, if any imposed by the Court and as such the order dated 18.04.2023 deserves to be set aside.

3. Notice of motion.

4. Mr. Tanuj Sharma, AAG, Haryana, accepts notice on behalf of the State. He has submitted that learned trial Court has rightly declared the petitioner as proclaimed person, as he intentionally did not appear before the trial Court on several dates of hearing.

5. After hearing learned counsel for the parties and perusing the



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record, it is evident that due to non-appearance of the petitioner, he was declared as proclaimed person on 18.04.2023. 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 18.04.2023 is set aside subject to payment of Rs.10,000/- as costs to be paid by the petitioner to **Poor Patients' Welfare Fund, PGIMER, Chandigarh** within a period of seven days from today

6. 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.10,000/- 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.

7. 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 18.04.2023 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

(RAJESH BHARDWAJ)
JUDGE

17.07.2025

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Whether Speaking/Reasoned :
Whether Reportable :

Yes/No
Yes/No