



135

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

CRM-M No.41068 of 2025

Date of decision : 31.07.2025

Balwinder Kumar @ Jwala

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sagar Bathla, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 20.04.2024 (Annexure P-7) passed by the learned Judicial Magistrate First Class, Jalandhar, in complaint COMI No.31952, dated 07.11.2012, titled 'Rajrani vs. Jawala & ors.' CNR No.PBJL030047152012, whereby the petitioner has been declared proclaimed person.

2. It has been contended by counsel for the petitioner that the petitioner has been prosecuted in a complaint filed under Sections 406, 420, 506 of IPC. He has submitted that due to non-appearance on behalf of the petitioner, he was declared as proclaimed person vide order dated 20.04.2024. He has submitted that proclamation proceedings under Section 82 Cr.P.C. were initiated against the petitioner and thus vide order dated 20.04.2024, the petitioner was declared as proclaimed person. He has submitted that the petitioner is in abroad and ready to return to India and join the proceedings of the trial and thus, the impugned order being unsustainable in the eyes of law, deserves to be set aside. He has thus



submitted that the petitioner be granted protection for appearing before the trial Court. He has submitted that the petitioner will return to India by 30.09.2025.

3. Notice of motion to official respondent No.1 at this stage.

4. On asking of the Court, Mr. J. S. Arora, DAG, Punjab appears and accepts notice on behalf of respondent No.1-State. He has opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner has rightly declared as proclaimed person, who remained absent despite orders.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in a complaint filed under Sections 406, 420, 506 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 person. As submitted by learned counsel for the petitioner that the petitioner is in abroad and will return to India by 30.09.2025. Without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceed 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 impugned order dated 20.04.2024 declaring the petitioner as proclaimed person is *set aside* subject to payment of costs of Rs.1,00,000/- **(Rs.25,000/- to be paid to the Punjab and Haryana High Court Bar Association, Chandigarh; Rs.25,000/- to be paid to the High Court Employees' Welfare Association, Chandigarh; Rs.25,000/- to be paid to the Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15,**

Chandigarh and Rs.25,000/- to be paid to the Spinal Rehab Centre, Sector 28-A, Madhya Marg, Chandigarh) within a period of 10 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 within the stipulated period, then he would not get benefit of this order and the order dated 20.04.2024 would stand automatically revived and the present petition shall be deemed to have been dismissed.

8. Disposed of in above terms.

31.07.2025		(RAJESH BHARDWAJ)
		JUDGE
<i>rittu</i>	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No