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

CRM-M-38409-2025

Date of Decision: 21.07.2025

Ranjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gurvinder Singh Mehra, Advocate
for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Prayer in the present petition is for quashing of impugned order dated 15.09.2023 (Annexure P-4) passed by the Court of learned Sub-Divisional Judicial Magistrate, Dera Bassi whereby the petitioner has been declared as proclaimed person in case bearing FIR No.145 dated 29.04.2021 under Section 379 of IPC, 1860 and Sections 4(1), 21(1) of the Mines and Minerals (Regulation of Development) Act, 1957 and Sections 192/196/181 of the Motor Vehicles Act, registered at Police Station Dera Bassi, District SAS Nagar (Annexure P-1).

2. It has been contended by counsel for the petitioner that the petitioner has been prosecuted in the above mentioned FIR. He has further submitted that the petitioner was granted the regular bail by the learned Sessions Court, SAS Nagar, Mohali on 18.05.2021 and he was directed to join the investigation, however the petitioner duly joined the investigation. He has submitted that the petitioner was not aware about the impugned order. He has submitted that non-bailable warrants of arrest were issued against the petitioner

vide order dated 05.11.2022. He has submitted that proclamation proceedings under Section 82 Cr.P.C./Section 84 of BNSS were initiated against the petitioner and thus, vide order dated 15.09.2023, the petitioner was declared as proclaimed person. He has further submitted that the petitioner is working as a truck driver and he has to drive his truck to Madhya Pradesh and Andhra Pradesh for transportation of goods in the truck. During the trial of the present FIR, petitioner was out of state as such he could not attend the Court on that date and he could not contact his counsel for moving an application for exemption from personal appearance. He has submitted that the petitioner was not aware about the impugned order dated 15.09.2023. He has submitted that the petitioner is keen to join the proceedings. He has thus submitted that the petitioner be granted protection for appearing before the learned trial Court.

3. Notice of motion.

4. On asking of the Court, Mr. J. S. Arora, DAG, 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 person, 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.145 dated 29.04.2021 under Section 379 of IPC, 1860 and Sections 4(1), 21(1) of the Mines and Minerals (Regulation of Development) Act, 1957 and Sections 192/196/181 of the Motor Vehicles Act, registered at Police Station Dera Bassi, District SAS Nagar (Annexure P-1). The petitioner was granted the interim protection by the learned trial Court, however he was not aware about the proclamation proceedings and thus, due to absence of the petitioner, he was declared as

proclaimed person. 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 15.09.2023 declaring the petitioner as proclaimed person 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. 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, he have no benefit of this order and the order dated 15.09.2023 would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

21.07.2025

Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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