



134

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

**CRM-M No.41015 of 2025
Date of decision : 31.07.2025**

Jagmohan Singh @ Mohan Singh

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rajesh Bhatheja, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of impugned order dated 29.03.2014 (Annexure P-3) passed by the learned Judicial Magistrate First Class, Moga, whereby the petitioner has been declared proclaimed person in case FIR No.19, dated 27.03.2013, under Sections 452, 324, 323, 427, 506, 148, 149 of IPC, 1860, registered at Police Station Ajitwal, District Moga. Further prayer has been made for staying the operation of impugned order dated 29.03.2014 during the pendency of the present petition.

2. It has been contended by counsel for the petitioner that the petitioner has been falsely prosecuted in FIR No.19, dated 27.03.2013, under Sections 452, 324, 323, 427, 506, 148, 149 of IPC, 1860, registered at Police Station Ajitwal, District Moga. He has submitted that due to non-appearance on behalf of the petitioner, he was declared as proclaimed persons vide order dated 29.03.2014. He has submitted that proclamation proceedings under Section 82 Cr.P.C. were initiated against the petitioner



and thus vide order dated 29.03.2014, the petitioner was declared as proclaimed person. He has submitted that the co-accused in the meantime were acquitted by the learned trial Court and compromise has been effected between the petitioner (through his father) and the complainant. He has submitted that the petitioner is abroad and is 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 on 07.08.2025.

3. Notice of motion.

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.

5. At this stage, Mr. Sandeep Sharma, Advocate has appeared and filed his power of attorney on behalf of respondent No.2 today in the Court and the same is taken on record. He has affirmed the fact that the compromise has been arrived at between the parties.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in FIR No.19, dated 27.03.2013, under Sections 452, 324, 323, 427, 506, 148, 149 of IPC, 1860, registered at Police Station Ajitwal, District Moga. 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. The compromise has been effected between the petitioner (through his father) and the complainant. As submitted by



learned counsel for the petitioner that the petitioner is in abroad and will return to India on 07.08.2025. 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 29.03.2014 declaring the petitioner as proclaimed person is *set aside* subject to payment of costs of Rs.50,000/- (**Rs.25,000/- to be paid to the Punjab and Haryana High Court Bar Association, Chandigarh and Rs.25,000/- to be paid to the High Court Employees' Welfare Association, 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 29.03.2014 would stand automatically revived and the present petition shall be deemed to have been dismissed.

8. Disposed of in above terms.

(RAJESH BHARDWAJ)
JUDGE

31.07.2025

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Whether speaking/reasoned

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Yes/No

Whether reportable

Yes/No