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

CRM-M-43607-2025 (O&M)

Date of decision : 11.08.2025

Vishal @ Happy Kad**.....Petitioner**

versus

State of Punjab**....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Gursimran Singh Jossan, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)**CRM-31240-2025**

Allowed as prayed for.

Main case

1. Prayer in the present petition has been made for quashing of order dated 02.06.2025 (Annexure P-9) passed by learned Judicial Magistrate Ist Class, Ferozepur, vide which the petitioner was declared as proclaimed person in case in FIR No.110 dated 26.10.2017 under Sections 365, 506 and 120-B of IPC, registered at Police Station Cantt, Ferozepur.
2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the present FIR. He submits that without complying with the provisions of Section 84 of B.N.S.S., petitioner was declared as a proclaimed person vide impugned order dated 02.06.2025 (Annexure P-1). He further submits that the petitioner was never served with any ordinary service nor with any substituted service at his address. He further submits that as per the proclamation report (Annexure P-7), the address where publication was



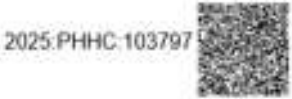
affixed does not belongs to the petitioner rather it was the address of Society in which there are approximately 60/65 houses. He has further submitted that there is nothing on record to show that the petitioner ever refused to accept the notice of the Court or remained away from the Court intentionally. He has submitted that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail, if any imposed by this Court.

3. Notice of motion to official respondent only.

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 initiated proclamation proceedings under Section 84 B.N.S.S. and declared him proclaimed person who remained absent despite orders.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent despite orders because of the reason that he was never served with any ordinary service nor with any substituted service at his address and due to his non-appearance, he was declared as proclaimed person. But now the petitioner is keen and ready to join the proceedings and face the trial, so without going into the contentions raised by learned counsel for the petitioner that provisions of Section 84 B.N.S.S. have not been followed, this Court dispose of the present petition and the impugned order dated 02.06.2025 is *set aside* subject to payment of Rs.25,000/- as costs to be paid to the **‘Punjab and Haryana High Court Employees’ Welfare Association, Chandigarh’** by the petitioner within one week from today. In case, the petitioner appears and surrenders 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 02.06.2025 would come in force and the present petition shall be deemed to have been dismissed.

11.08.2025
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(RAJESH BHARDWAJ)
JUDGE

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