



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

287

CRM-M-52770-2024 (O & M)

Date of decision: 27.11.2025

Rohit Soni @ Rocky

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gursahib Singh Hundal, Advocate,
for the petitioner.

Mr. Rahul Kumar Adia, AAG, Punjab

AMAN CHAUDHARY, J. (ORAL)**CRM-43332-2024**

For the reasons mentioned in the application, the same is allowed and the rent deed agreement dated 20.09.2022 and Aadhar card are taken on record as Annexures P-5 and P-6 respectively.

Main case

1. The present petition has been filed under Section 528 BNSS, 2023, for quashing the order dated 31.08.2024, Annexure P-4 (wrongly mentioned as Annexure P-3), passed by learned Judicial Magistrate 1st Class, vide which the petitioner has been declared proclaimed person in FIR No.344 dated 31.12.2021, under Section 406 IPC, registered at Police Station Civil Lines, District Amritsar, Punjab.
2. Learned counsel submits that the petitioner was granted anticipatory bail, vide order dated 02.05.2022, Annexure P-2, thereafter challan was presented before the competent Court on 31.07.2023 and after

that he shifted his residence address vide rent deed agreement dated 20.09.2022, Annexure P-5 and Aadhar card, Annexure P-6. Notice of proclamation was sent on the previous address and the procedure enshrined under Section 82 and 83 of Cr.P.C. for declaring him as proclaimed person was not conferred in letter and spirit. He is ready and willing to join the proceedings on or before the next date of hearing and prays for grant of one opportunity for him to surrender before the trial Court, even if the same is subject to costs.

3. Learned State counsel submits that the proclamation proceedings have been rightly issued against the petitioner, as he had absented from the proceedings.

4. Heard.

5. The very purpose of issuance of warrants of arrest, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

6. This Court in CRM-M-36490-2022, titled as **Major Singh vs. State of Punjab**, decided on 15.09.2022, CRM-M-38277-2022, **Surjit Singh vs. State of Punjab**, dated 26.08.2022 and CRM-M-39000-2022, titled as **Raghav vs. State of Punjab**, decided on 09.09.2022, had set aside the orders of non-bailable warrants.

7. Considering the facts and circumstances of the case, judgments referred to hereinabove, the readiness and willingness of the petitioner to surrender and join the proceedings, which was incumbent upon him for the culmination of the same, the present petition deserves to

be and is allowed, in the interest of justice, so as to facilitate expediting the trial and for taking it to its logical end.

8. As a consequence of the aforesaid, the impugned order dated 31.08.2024, Annexure P-4, is set aside and the petitioner is directed to surrender before the learned trial Court today and deposit Rs.5,000/- as costs with Chandigarh Spinal Rehab, Plot No.1, Sector 28-A, Chandigarh (Sai Aasra Paraplegic Rehab Centre (Kotak Mahindra Bank, Branch Sector 27-D, Chandigarh, Account No.9612001641, IFSC: KKBK0004201), whereupon, he be released on the same bail/surety bonds as had been furnished by him at the time of granting bail. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the learned trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

9. The present petition is accordingly allowed.

10. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

27.11.2025
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(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No