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

**CRM-M No.50237 of 2025
Date of Decision:08.09.2025**

Sukhwinder Singh @ Sukhi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Bhupinder Singh Kundra, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for setting aside the order dated 11.10.2019 vide which the petitioner was declared proclaimed person in FIR No.93, dated 14.05.2018, under Sections 323, 325 & 34 of IPC, registered at Police Station City Rupnagar and for quashing of FIR No.33, dated 14.02.2023, under Section 174-A of IPC, registered at Police Station City Rupnagar along with all consequential proceedings arising therefrom. Further prayer has been made for directing the learned trial Court to allow the petitioner to restore bail bonds and surety bonds and to furnish fresh surety bonds by granting bail upon surrender as all the offences are bailable in nature. Further prayer has been made for staying all the proceedings with regard to proclamation order dated 11.10.2019 as well as proceedings in FIR



No.33, dated 14.02.2023, under Section 174-A of IPC along with proceedings arising therefrom during the pendency of the present petition.

2. The precise submission made by learned counsel for the petitioner is that the petitioner was declared proclaimed offender in FIR No.93, dated 14.05.2018, under Sections 323, 325 & 34 of IPC, registered at Police Station City Rupnagar by the learned trial Court vide order dated 11.10.2019. He has submitted that the petitioner was admitted to bail subject to his furnishing of bail bonds in the sum of Rs.30,000/- with one surety in the like amount vide order dated 16.07.2018. He has further submitted that thereafter the trial was concluded on 19.07.2023 and all the other accused persons were released on probation after furnishing probation/surety bonds and the petitioner was declared as proclaimed offender vide order dated 11.10.2019. He has further submitted that in pursuance of order dated 11.10.2019, FIR No.33, dated 14.02.2023, under Section 174-A of IPC was registered against the petitioner. He has further submitted that the petitioner, due to the assurance given by the complainant with regard to the amicable settlement between the parties, went abroad in search of job and unaware about the trial and thus, he was not able to join the trial and lead his defence. He has submitted that the petitioner has returned to India and keen to join the proceedings and thus, the PO proceedings & FIR registered against the petitioner would be nothing but an abuse of the process of the Court and the same deserves to be set aside.



3. Notice of motion.

4. On the asking of the Court, Mr. J. S. Arora, DAG, Punjab appears and accepts notice on behalf of the respondent-State. He on the other hand contends that the petitioner was rightly declared as a proclaimed offender. He has submitted that the FIR has rightly been registered against the petitioner and the petitioner is liable to be prosecuted in the said case, as he had failed to appear in the Court despite orders.

5. I have heard counsel for the parties and perused the record.

6. It is apparent that the present FIR was registered due to non-appearance of the petitioner in a case FIR No.93, dated 14.05.2018, under Sections 323, 325 & 34 of IPC, registered at Police Station City Rupnagar. The trial in this case was concluded on 19.07.2023 and all the other accused were released on probation, however the petitioner was declared proclaimed offender vide order dated 11.10.2019. As he was not aware about the pendency of the trial, he could not appear in the Court and thus he was declared as a proclaimed offender. The petitioner was earlier granted bail by the learned trial Court vide order dated 16.07.2018. However after being declared proclaimed offender, FIR No.33, dated 14.02.2023, under Section 174-A of IPC was registered against the petitioner. As the petitioner has returned to India and is keen to join the proceedings, so, keeping in view the above-said facts and the law settled, continuation of the proceedings under Section 174-A of IPC shall be abuse of the process of the Court.



7. Consequently, the present petition is disposed of subject to payment of costs of Rs.25,000/- to be deposited within 10 days from today by the petitioner with the **‘Poor Patients’ Welfare Fund, PGIMER, Chandigarh’** and impugned order dated 11.10.2019 passed in FIR No.93, dated 14.05.2018, under Sections 323, 325 & 34 IPC, whereby the petitioner was declared as Proclaimed Person by the learned Judicial Magistrate Ist Class, Rupnagar along with all consequential proceedings arising out of the same including the impugned FIR No.33, dated 14.02.2023, under Section 174-A of IPC, registered at Police Station City Rupnagar, are hereby quashed.

8. 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.

9. Needless to say that in case the petitioner fails to pay the cost and comply with the aforesaid direction, the order under challenge dated 11.10.2019 and FIR No.33, dated 14.02.2023, under Section 174-A of IPC, registered at Police Station City Rupnagar, would come in force.

08.09.2025

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**(RAJESH BHARDWAJ)
JUDGE**

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