

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

CRM-M-54666-2025
Reserved on: 01.10.2025
Pronounced on: 28.10.2025

Hardesh Kumar Arora...Petitioner

Versus

State of Punjab and another...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Isha Goyal, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
05	06.03.2024	NRI, Amritsar	406, 420, 120-B IPC

1. Seeking quashing of order dated 19.03.2025 passed by Judicial Magistrate Ist Class, Amritsar whereby petitioner was declared proclaimed offender, the petitioner has come up before this Court under section 528 BNSS, 2023.
2. Counsel for the petitioner submits that the petitioner is a patient of Chronic kidney disease from the last many years and now he is ready to surrender before the majesty of Court. Counsel for the petitioner further submits that impugned order was passed in violation of procedure prescribed under Section 82 CrPC and prayed for quashing the same.
3. On the other hand, State counsel opposes the petition on the ground that petitioner was aware of the proceedings before the Court and petition deserves dismissal on this ground alone.
4. Petitioner was aware of the pendency of the FIR as on 20.05.2024 because he had filed an application for anticipatory bail, which was registered as CRM-M No.17905 of 2025 and the same was dismissed as withdrawn by order dated 20.05.2024 (Annexure P-5).
5. After dismissal of said petition, instead of appearing, the petitioner abstained and arrest warrants were issued against him by the JMIC, Amritsar on 04.11.2024 (Annexure P-6). Subsequently, on 03.12.2024 the matter was adjourned because of petitioner was not served. Later on, the petitioner was declared as a proclaimed offender vide impugned

order dated 19.03.2025.

6. The petitioner's grounds for setting aside the proclamation order are technical. He submits that he was unaware about the issuance of non-bailable warrants. A perusal of the petition points out that the petitioner's grievance is more the way the warrants were issued and not why did he not appear.

7. Here it's a case where the petitioner's anticipatory bail was dismissed and subsequently, he was declared a proclaimed person because of non-appearance. The remedy available with the petitioner was to challenge the order of dismissal of anticipatory bail or to file a fresh anticipatory bail petition because of withdrawal of his first bail petition. Instead of doing so, the petitioner abstain which led to declare the petitioner as a proclaimed person. Now, the petitioner is claiming of his lesser role or not being a director which is irrelevant to decide the present controversy.

8. Be that as it may, the petitioner also claims of medical issues as mentioned in Annexure P-1 from page No.18 to 25. Thus, because of the medical condition of the petitioner, this Court is inclined to grant the following limited relief to the petitioner.

9. Without commenting on the merits of the case, considering the petitioner's medical condition let the petitioner surrender before the trial Court on or before 06.11.2025 and on that day in case he files an application for bail, then he be granted interim bail, till the decision of such bail application. Reference can be made to the judgment of Supreme Court in the case of ***Sundeep Kumar Bafna Versus State of Maharastra and another Criminal Appeal No.689 of 2014, decided on 27.03.2014.***

10. It is clarified that this order shall not be construed as a direction to the trial Court to definitely release the petitioner on regular bail and that would dependent upon the facts and circumstances of the case and the evidence collected against him. Further, this should also be kept in mind that the limited relief which this Court is giving to the petitioner is that although he had knowledge of the FIR and he did not appear but because of his medical conditions. It is further clarified that if the petitioner does not appear before the trial Court by 11.00 a.m. on 06.11.2025, then even this limited relief shall also be recalled. Thus, no coercive steps shall be taken against the petitioner in the FIR captioned above and also on proclamation order issued based on above mentioned FIR till 11.00 a.m. on 06.11.2025. After that, the petitioner shall be released on interim bail in case he files bail application and it shall be total discretion of the concerned Court to decide the bail petition on its own merits without being influenced by any of the observations made by this Court in this order. This order is subject to the condition that the petitioner shall donate wheelchairs worth one lac to Civil Hospital, Amritsar and handover bills of chairs and receipt to the trial Court. However, this Court expects that trial Court shall consider his bail with utmost leniency.

11. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.
12. *There would be no need for a certified copy of this order; and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, they can also verify it and may download and use the downloaded copy for attesting bonds.*
13. **Petition stands disposed of** to the extent and subject to the conditions mentioned above. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

28.10.2025
Jyoti-II

Whether speaking/reasoned	YES
Whether reportable	NO