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

**CRM-M No.55124 of 2025
Date of decision : 29.09.2025**

Sagar

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Dipanshu Kapur, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of impugned order dated 28.02.2025 (Annexure P-6) vide which the petitioner was declared proclaimed offender by the learned First Appellate Court and proceedings under Section 174 of IPC were initiated against the petitioner and be directed to accept the fresh bail bonds/surety bonds in case bearing FIR No.0082, dated 22.04.2018, under Sections 353, 332, 225, 186, 148, 149 of IPC, 1860, registered at Police Station Garshankar, District Hoshiarpur, Punjab. Further prayer has been made that the present petition may kindly be disposed of in terms of order passed by this Court in the case of co-accused, namely, Nirmal Dass @ Nimma dated 20.12.2024.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in FIR No.0082, dated 22.04.2018, under Sections 353, 332, 225, 186, 148, 149 of IPC, 1860,



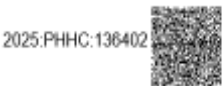
registered at Police Station Garshankar, District Hoshiarpur, Punjab. He has submitted that on the date of alleged occurrence, the petitioner was juvenile and thus his case was taken up separately by the learned Juvenile Justice Court and he was ultimately convicted and sentenced to undergo 06 months of remand at Special Home vide order dated 06.10.2022. He has submitted that being aggrieved, the petitioner filed an appeal before the learned Sessions Court, in which he was granted the concession of suspension of sentence vide order dated 04.11.2022. He has submitted that thereafter the petitioner was regularly appearing before the learned trial Court. He has submitted that thereafter the petitioner was regularly appearing before the learned trial Court, except on the date, i.e. 05.09.2023, on which the application for exemption of personal appearance was filed by the petitioner as he was suffering from high fever. He has submitted that due to non-appearance of the petitioner before the learned trial Court on the date fixed, i.e. 23.09.2024,ailable warrants were issued against the petitioner to the tune of Rs.10,000/- with one surety in the like amount. He has submitted that as theailable warrants were received back un-executed, the learned trial Court has issued non-ailable warrants against the petitioner. He has submitted that due to non-appearance of the petitioner, he was declared as proclaimed offender vide order dated 28.02.2025 and proceedings under Section 174-A of IPC were directed to be initiated against the petitioner. He has submitted that the petitioner is keen to join the proceedings. He has thus submitted that the petitioner be granted protection for appearing before the learned trial Court.



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 and has submitted that the petitioner has rightly declared as proclaimed offender, who remained absent from the Court without any valid reason..

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in FIR No.0082, dated 22.04.2018, under Sections 353, 332, 225, 186, 148, 149 of IPC, 1860, registered at Police Station Garshankar, District Hoshiarpur, Punjab. 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 offender. 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 28.02.2025 declaring the petitioner as proclaimed offender is *set aside* subject to payment of costs of Rs.10,000/- to be paid to the **Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15, Chandigarh** within a period of 07 days from the date of receipt of certified copy of this order. The petitioner is directed to appear before the trial Court within a period of 10 days from the date of receipt of certified copy of this order 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 the date of receipt of certified copy of this order.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, he have no benefit of this order and the order dated 28.02.2025 would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

29.09.2025			(RAJESH BHARDWAJ)
<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No