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

CRM-M-61733-2024 (O&M)

Date of decision : 22.01.2025

Balhar Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Dhawaljeet Dutta, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)**CRM-48773-2024**

Allowed as prayed for.

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1. Prayer in the present petition is for quashing of order dated 26.07.2022 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Amritsar, in FIR No.361 dated 15.10.2015 under Sections 379-B, 511 and 34 of IPC, registered at Police Station Civil Lines, Amritsar, whereby the petitioner was declared a proclaimed person.

2. It has been contended by counsel for the petitioner that the challan in the present case was presented in the Court and after presentation of challan, no summons were received by the petitioner due to change of his residential address and the learned trial Court declared the petitioner as proclaimed person vide order dated 26.07.2022. He has further submitted that the petitioner was never served as no police official ever came to him, so, he was unaware about the pendency of the present case and only came to know when people of his old address informed him that some police officials were looking for him and after this, he contacted



his counsel, who told him that he is declared as proclaimed person. 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. Tarun Aggarwal, Sr. 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 cancelled the bail granted of the petitioner who remained absent on 26.07.2022 without any valid reason.

6. After hearing counsel for the parties and perusing the record, it is apparent that the reason given by the petitioner is non service of notice of the Court. The petitioner has alleged that he was unaware about the proceedings due to change of his residential address but now he 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 the petitioner was never served with the notice, this Court dispose of the present petition and the impugned order dated 26.07.2022 is *set aside* subject to payment of Rs.5,000/- as costs to be paid to the 'Punjab and Haryana High Court Bar Association' 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 26.07.2022 would come in force and the present petition shall be deemed to have been dismissed.

22.01.2025
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(RAJESH BHARDWAJ)
JUDGE

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