



CRM-M-65118-2024

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

CRM-M-65118-2024

Date of Decision: 07.01.2025

Balwinder Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raj Kumar Arya, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 28.10.2024 (Annexure P-2) passed by learned JMIC, Ajnala, District Amritsar, whereby, the petitioner has been declared as proclaimed offender in FIR No.07, dated 19.01.2019 (Annexure P-1) registered under Sections 325, 323, 506, 34 IPC, at Police Station Ramdas, District Amritsar.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR. He has submitted that after the presentation of the challan, summons issued to the petitioner were received back served. He submits that though the offence is bailable but the petitioner being the poor person could not arrange bail/surety bonds and consequently, he was declared as proclaimed person vide order dated 28.10.2024 totally in violation of the mandatory provisions of law under Section 82 Cr.P.C. He submits that now the dispute between the parties has been amicably resolved and petitioner is keen to join the proceedings and face the trial in the above said case and as such the order 28.10.2024 be set aside and he be allowed to be released during the



pendency of the trial of the above said case.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the State and has submitted that the petitioner has rightly been declared as proclaimed person by the trial Court as he remained absent from Court for a long time.

5. Mr. Geeteshwar Saini, Advocate, accepts notice on behalf of respondent No.2 and has affirmed the fact that the dispute between the parties has been resolved amicably and he has no objection, if the order dated 28.10.2024 is set aside.

6. Heard.

7. After hearing learned counsel for the parties and perusing the record, it is evident that due to his non-appearance before the trial Court on various dates, the petitioner was declared proclaimed person on 28.10.2024. Now the petitioner is keen to join the proceedings and face the trial. In these circumstances, when the petitioner is ready to join the proceedings and face the trial and also when the matter has been compromised, no useful purpose would be served by sending him behind the bars, therefore, the order dated 28.10.2024 is set aside subject to payment of Rs.10,000/- as costs to be paid to Gurudwara Sri Guru Singh Sabha, (registered) Sector -7C, Chandigarh by the petitioner within a period of seven days from today.

8. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs of Rs.10,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing bail/surety bonds to its

satisfaction. The petitioner will have protection from arrest for a period of ten days from today. The trial Court is free to impose any condition it likes on the petitioner while admitting him to bail.

9. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 18.10.2024 will come in force and the present petition shall be deemed to have been dismissed.

10. Petition stands disposed of in abovesaid terms.

07.01.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No