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

CRM-M No.73174 of 2025

Date of decision: 24.12.2025

Sukhjinder Singh**.....Petitioner****versus****State of Punjab and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Jashandeep Singh Bains, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 21.05.2025 (Annexure P-9) passed by the Court of learned Chief Judicial Magistrate, Jalandhar whereby the petitioner has been declared as proclaimed person in case bearing FIR No.161, dated 26.09.2022, under Sections 406, 420, 465, 467, 468, 471 IPC, registered at Police Station Division No.6 Jalandhar, District Police Commissionerate Jalandhar.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in case bearing FIR No.161, dated 26.09.2022, under Sections 406, 420, 465, 467, 468, 471 IPC, registered at Police Station Division No.6 Jalandhar, District Police Commissionerate Jalandhar. He has submitted that after registration of the FIR, the petitioner approached this Court by way of filing CRM-M-22185-2023 praying for the grant of anticipatory bail, however his arrest was stayed by this Court vide order dated 09.05.2023, subsequently, vide order dated 04.03.2024, the said petition was dismissed. He has submitted



that thereafter the petitioner approached the Hon'ble Supreme Court by way of filing SLP (Crl.) No.4532 of 2024 praying for the grant of anticipatory bail, however the same was also dismissed vide order dated 08.04.2024. He has further submitted that thereafter the petitioner filed CRM-M-30286-2024 before this Court for directing the respondent police for fair investigation, however the said petition was disposed of by this Court vide order dated 20.06.2024 with direction to the petitioner to file representation to the Commissioner of Police, Jalandhar within 02 weeks and directed the Commissioner of Police, Jalandhar to decide the representation as per law. In compliance of order dated 20.06.2024, the petitioner moved online representation on Punjab Grievances Portal, which was not entertained, thereafter, the petitioner approached the Police Commissioner office and moved another representation physically, which was also not marked and thus, on 25.06.2024, he sent another representation through registered post, which was also not considered till today and he has not been called by the authorities and thus, has contended that the higher authorities have failed to comply with the order of this Court dated 20.06.2024. He has further submitted that in view of the law laid down by Hon'ble the Supreme Court in '*Eicher Tractor Ltd. and others vs. Harihar Singh and another*', 2008(16) SCC 763, wherein it has been held that an FIR is liable to be quashed and the said law has subsequently reiterated by this Court in '*Ripen Dhir vs. State of Punjab*', CRM-M-7318-2025 and the interim order has already been passed in favour of the petitioner therein. He has further submitted that the petitioner has also filed a petition bearing CRM-M-23980-2025 praying for quashing of above mentioned FIR, however the same is pending



adjudication for 10.03.2026. He has submitted that the petitioner was never called by the investigating agencies and even no notice, summon of warrant was ever served upon him, however the challan has been presented against him on 04.09.2025. He has further submitted that due to non appearance of the petitioner on 21.05.2025, the petitioner was declared as proclaimed person. He has submitted that the order declaring the petitioner as proclaimed person is in violation of the provisions of Section 82 of Cr.P.C. He has submitted that the petitioner has good case on merits and absence of the petitioner is neither intentional nor wilful. 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 to official respondent No.1 at this stage.

4. On asking of the Court, Ms. Ramta Chowdhary, DAG, Punjab, appears and accepts notice on behalf of the respondent-State. She has opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner has rightly been declared as proclaimed person despite the reason that his anticipatory bail application has already been dismissed by the Sessions Court, by this Hon'ble Court as well as by the Hon'ble Supreme Court.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioners were prosecuted in FIR No.161, dated 26.09.2022, under Sections 406, 420, 465, 467, 468, 471 IPC, registered at Police Station Division No.6 Jalandhar, District Police Commissionerate Jalandhar. 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 person. As submitted by learned counsel for the petitioner that the petitioner is ready to surrender before the Court and face the trial. Without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceeds 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 21.05.2025 is hereby *set aside* subject to payment of costs of Rs.25,000/- to be paid to **the Spinal Rehab Centre, Sector 28-A, Madhya Marg, 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, she has no benefit of this order and the order dated 21.05.2025 would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

(RAJESH BHARDWAJ)
JUDGE

24.12.2025

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