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

CRM-M No.18545 of 2026

Date of decision: 06.04.2026

Vipen

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Arshvir Singh Sandhu, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of orders dated 29.08.2025 and 22.12.2025 (Annexure P-1) passed by the Court of learned Chief Judicial Magistrate, Fatehgarh Sahib in case bearing FIR No.40, dated 01.05.2023, under Sections 323, 341, 148, 149, 506 of IPC, registered at Police Station Bassi Pathana, Fatehgarh Sahib vide which the non bailable warrants were issued and further the petitioner was declared as proclaimed person due to his non appearance.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in a case bearing FIR No.40, dated 01.05.2023, under Sections 323, 341, 148, 149, 506 of IPC, registered at Police Station Bassi Pathana, Fatehgarh Sahib. He has submitted that after registration of the FIR, the petitioner was admitted to bail by the learned Chief Judicial Magistrate, Fatehgarh Sahib vide order dated 10.01.2025. He has submitted that thereafter the petitioner was regularly appearing before the learned trial Court. He has submitted that



due to the non appearance of the petitioner, the learned trial Court, vide impugned order dated 29.08.2025, issued the nonailable warrants against him. He has submitted that thereafter the proclamation under Section 82 Cr.P.C. was initiated against the petitioner. He has submitted that the learned trial Court vide order dated 22.12.2025 declared the petitioner 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.

4. On asking of the Court, Mr. Raj Karan Singh, Asstt. A.G., Punjab appears and accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner has rightly been declared as proclaimed person as he 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 a case bearing FIR No.40, dated 01.05.2023, under Sections 323, 341, 148, 149, 506 of IPC, registered at Police Station Bassi Pathana, Fatehgarh Sahib. The petitioner was thereafter admitted to bail by the learned trial Court. 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 orders dated 29.08.2025 and 22.12.2025 are hereby *set aside* subject to payment of costs of Rs.15,000/- to be paid to **the Indian Red Cross Society, UT Branch, Sector 11, 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 has no benefit of this order and the orders dated 29.08.2025 and 22.12.2025 would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

(RAJESH BHARDWAJ)
JUDGE

06.04.2026

<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No