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

CRM-M-23730-2026

Date of decision : 29.04.2026

Ashwani Kumar

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Arpan Sabharwal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of impugned order dated 24.08.2004 passed by the Court of learned Judicial Magistrate Ist Class, Nakodar, whereby the petitioner was declared a proclaimed offender in the trial arising out of FIR No.152 dated 17.05.2001, registered under Sections 427, 506, 148 and 149 of IPC, at Police Station Nakodar, District Jalandhar.

2. It has been contended by learned counsel for the petitioner that the petitioner was released on bail in the year 2001 during the course of proceedings before learned trial Court. He submits that thereafter, the matter was orally compromised between the parties and the petitioner went abroad for earning his livelihood and since then he is residing there. He has submitted that as the petitioner is residing abroad, service of warrants/notice was not effected upon him and he was declared proclaimed person vide order dated 24.08.2004 by learned trial Court, and



this fact has recently come in the knowledge of the petitioner. He submits that the petitioner was in abroad, when he was declared proclaimed person and he was unaware about the pendency of the present case. He has further submitted that the non-appearance of the petitioner was not intentional. He submits that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail, imposed by the Court.

3. Notice of motion.

4. On asking of the Court, Mr. K.D. Sachdeva, D.A.G., Punjab accepts notice on behalf of the respondent-State.

5. Mr. Rajan Jaswal, Advocate has put in appearance and filed *Vakalatnama* on behalf of respondent No.2, in the Court today and same is taken on record.

6. Learned State counsel as well as counsel for respondent No.2, have opposed the submissions made by learned counsel for the petitioner and stated that the trial Court has rightly declared the petitioner as proclaimed offender, who remained absent despite orders.

7. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner remained absent despite orders as he was unaware about the ongoing proceedings because of the reason that he was residing abroad. But now the petitioner is keen and ready to join the proceedings and face the trial. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 24.08.2004 is *set aside* subject to payment of Rs.1,00,000/- as costs to be deposited in the '**Spinal Rehab Centre, Chandigarh, Plot No.1, Madhya Marg, Sector-28/A, Chandigarh**' by the petitioner in one week from the date of receipt of copy of this order. In case, petitioner appears before the Court concerned



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 the date of receipt of copy of this order.

8. 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 24.08.2004, would automatically come in force.

29.04.2026
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(RAJESH BHARDWAJ)
JUDGE

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