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

**CRM-M No.30756 of 2026
Date of decision: 27.05.2026**

Himanshu Gautam

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sanjay Verma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of impugned order dated 29.10.2025 (Annexure P-5) passed by the learned Judicial Magistrate Ist Class, Panchkula vide which the petitioner was ordered to be declared as proclaimed person in case bearing FIR No.470, dated 09.12.2023, under Sections 337, 279 of IPC, registered at Police Station Sector 7 Panchkula.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously prosecuted in a case bearing FIR No.470, dated 09.12.2023, under Sections 337, 279 of IPC, registered at Police Station Sector 7 Panchkula. He has submitted that after the registration of the present FIR, the petitioner was granted the concession of bail by the learned trial Court vide order dated 03.05.2024.



He has submitted that after granting the concession of bail, the petitioner was regularly appearing before the learned trial Court on each and every date. He has submitted that on one date, i.e. 18.09.2024, due to non appearance of the petitioner, the learned Court trial cancelled the bail of the petitioner and his bail bonds/surety bonds were forfeited to the State vide order dated 18.09.2024. The learned trial Court has also issued warrants of arrest against the petitioner. He has submitted that thereafter vide order dated 17.04.2025, proclamation under Section 82 Cr.P.C. was ordered to be initiated against the petitioner. He has submitted that the learned trial Court vide impugned order dated 29.10.2025 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. as he was never served with any notice or warrant. He has submitted that the petitioner has good case on merits and absence of the petitioner is neither intentional nor willful. 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. Sumit Jain, Addl. A.G., Haryana 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 despite orders.



5. Heard.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in a case bearing FIR No.470, dated 09.12.2023, under Sections 337, 279 of IPC, registered at Police Station Sector 7 Panchkula. The petitioner was thereafter granted the concession of bail by the learned trial Court. However, the petitioner remained absent on one date and thus, his bail was cancelled and bail bonds/surety bonds were forfeited to the State. Thereafter, as the petitioner 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 29.10.2025 is hereby *set aside* subject to payment of costs of Rs.10,000/- to be paid to **the Society for the Care of Blind, Sector 26, 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 impugned order dated 29.10.2025 would stand automatically revived and the present petition shall be deemed to have been dismissed.
7. Disposed of in above terms.

27.05.2025			(RAJESH BHARDWAJ)
<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No
			JUDGE