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

CRM-M-31386-2026

Date of decision : 27.05.2026

Kulwinder Singh**....Petitioner****versus****State of Punjab****....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Ketan Chopra, Advocate for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition has been made for quashing of impugned order dated 11.11.2014 vide which non-bailable warrants of petitioner were issued in FIR No.274 dated 10.10.2008 under Sections 212, 216 of IPC registered at Police Division No.5, Ludhiana and further to quash order dated 15.01.2015 vide which bail of the petitioner was cancelled and his bail bonds were forfeited to State and orders dated 20.05.2015, 03.09.2015, 24.09.2015, 19.10.2015, 31.10.2015 and 30.11.2015, vide which proclamation was issued against the petitioner and further to quash order dated 05.01.2016 vide which the petitioner was declared as proclaimed offender.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the present case. He submits that the petitioner is layman and is not well versed with the procedure of law. He submits that on 11.11.2014, the petitioner was very well present before the trial Court and was waiting outside the Court room, however, his counsel told him to leave as the matter was adjourned. He submits that due to non-appearance of petitioner before the Court on



11.11.2014, learned trial Court issued non-bailable warrants to the petitioner to face the trial. He further submits that petitioner's counsel before the trial Court misguided him and thus, he did not appear before the trial Court and thus, his bail was cancelled and bail/surety bonds were forfeited to State vide order dated 15.01.2015 and thereafter, ld. trial Court issued proclamation against the petitioner vide orders dated 20.05.2015, 03.09.2015, 24.09.2015, 19.10.2015, 31.10.2015 and 30.11.2015. He further submits that thereafter due to non-appearance, the petitioner was declared as a proclaimed person vide impugned order dated 05.01.2016. He submits that the absence of the petitioner was neither intentional nor willful but a result of lack of information. He has submitted that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail, if any imposed by this Court.

3. Notice of motion to official respondent only.

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

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly declared the petitioner as proclaimed person, who remained absent despite orders.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent despite orders due to his non-appearance, as he was misguided by his counsel and was not aware about the legal procedure. But now the petitioner is keen and ready to join the proceedings and face the trial. So keeping in view the abovesaid facts, this Court dispose of the present petition and impugned order 11.11.2014 vide which non-bailable warrants of petitioner were



issued; order dated 15.01.2015 vide which bail of the petitioner was cancelled and his bail bonds were forfeited to State; orders dated 20.05.2015, 03.09.2015, 24.09.2015, 19.10.2015, 31.10.2015 and 30.11.2015, vide which proclamation was issued against the petitioner and order dated 05.01.2016 vide which the petitioner was declared as proclaimed offender, are hereby *set aside* subject to payment of Rs.20,000/- as costs to be paid to the '**Indian Red Cross Society, U.T. Branch, Sector-11, Chandigarh**' by the petitioner within one week from receipt of copy of this order. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from the date of receipt of copy of this order 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.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, she will have no benefit of abovesaid protection granted by this Court and orders under challenge dated 11.11.2014, 15.01.2015, 20.05.2015, 03.09.2015, 24.09.2015, 19.10.2015, 31.10.2015, 30.11.2015 and 05.01.2016 would come in force and the present petition shall be deemed to have been dismissed.

(**RAJESH BHARDWAJ**)
JUDGE

27.05.2026

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