



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

257

CRM-M-50463-2023

Date of Decision:-05.02.2026

SURJIT SINGH

.....PETITIONER

VS.

STATE OF PUNJAB

.....RESPONDENT

CORAM:-HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mahesh Sharma, Advocate
for the petitioner(s).

Mr. Athar Ahmed, DAG, Punjab.

(THROUGH VIDEO CONFERENCING)

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the present petition under Section 482 of Cr.P.C. is for quashing of the order dated 12.08.2013 (Annexure P-2) passed by Ld. JMIC, Jalandhar, vide which the petitioner has been declared as proclaimed person in a case bearing No.COMI/1900387/2011 under Sections 406, 420, 120-B of IPC titled as 'Avtar Singh vs. Surjit Singh etc.'

2. On 12.10.2023, the following order was passed:-

"Inter-alia submits that despite the fact that petitioner was reported to be out of country he was ordered to be summoned through publication in the local daily Tribune newspaper. Thus, before passing the order declaring the petitioner as proclaimed person there was nothing on record that can show that the petitioner ever intended to avoid the process of law.

Notice of motion.

On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent/State.

Adjourned to 09.01.2024.

Meanwhile, the petitioner to appear before the Trial Court on or before 15.11.2023.

Till the next date the operation of impugned order dated 12.08.2013 (Annexure P-2) shall remain stayed.”

3. Thereafter, on 09.01.2024, the following order was passed:-

“While issuing notice of motion on 12th of October, 2023 following order was passed :

“Inter-alia submits that despite the fact that petitioner was reported to be out of country he was ordered to be summoned through publication in the local daily Tribune newspaper. Thus, before passing the order declaring the petitioner as proclaimed person there was nothing on record that can show that the petitioner ever intended to avoid the process of law.

Notice of motion. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG Punjab appears and accepts notice on behalf of the respondent/ State.

Adjourned to 09.01.2024.

Meanwhile, the petitioner to appear before the Trial Court on or before 15.11.2023.

Till the next date the operation of impugned order date 12.08.2013 (Annexure P-2) shall remain stayed.”

Today counsel for the petitioner has produced order dated 15th of November, 2023 to show that the petitioner has appeared before the Trial Court and further undertakes that the petitioner shall regularly appear.

The petitioner is granted liberty to move an appropriate application seeking admission on bail before the concerned Court which shall be decided in accordance with law.

Adjourned to 5th of March, 2024.

Interim order to continue.”

4. Thereafter, on 05.03.2025, the following order was passed:-

“Mr. Mahesh Sharma, Advocate appears and submits that the counsel representing the petitioner earlier

in time has joined office of Advocate General, Punjab. He prays for time to file his Vakalatnama on the next date of hearing.

Counsel for the State prays for time to file reply.

Adjourned to 10.07.2024.

Interim order to continue.”

5. The learned counsel for the petitioner states that in deference to the aforementioned orders, the petitioner has surrendered and has since been granted bail. However, for the reasons best known, it is the complainant, who has not put in appearance before the Trial Court to pursue the case, and the complaint case stands dismissed in default for want of prosecution. As the petitioner has complied with the orders of this Court, the impugned order be quashed.

6. I have heard learned counsel for the petitioner.

7. In terms of the orders of this Court, the petitioner has surrendered and since been granted the concession of bail.

8. On 25.07.2025, the Judicial Magistrate Ist Class, Jalandhar passed the following order:-

“An application seeking exemption from personal appearance of accused Surjit Singh has been filed. In view of the averments mentioned in the application, the personal appearance of accused Surjit Singh is exempted for today only.

Ahlmad has reported that he has checked the Hon'ble Punjab and Haryana High Court website, next date of hearing is 09.09.2025 in CRM-M-50463-2023 and neither latest order uploaded nor received in this court. However today neither complainant nor anybody else on his behalf appeared. Perusal of the case file reveals that since the accused Surjit Singh has joined the proceedings of the present case in compliance of order dated 12.10.2023 and 09.01.2024 passed in

CRM-M-50463-2023, the complainant is not putting up his appearance before the court to lead the evidence on his behalf and almost a year has passed since the complainant is absent and the present are is not being proceeded further. Vide order dated 12.10.2023 passed by the Hon'ble Punjab and Haryana High Court in CRM-M-50463-2023, the Hon'ble High Court directed the petitioner to appear before the Trial Court on or before 15.11.2023 and also ordered that till the next date of hearing operation of impugned order dated 12.08.2013 vide which the accused was declared proclaimed person was ordered to be stayed. Further vide order dated 09.01.2024, the Hon'ble High Court has observed that as the petitioner has appeared before the Trial Court and further undertakes that he shall appear regularly and the petitioner was granted liberty to move an appropriate application seeking admission on bail before the concerned Court which shall be decided in accordance with law and interim order was ordered to be continue. Further perusal of the file reveals that on 15.11.2023 the petitioner/accused put up appearance before the Court of Ms. Srijan Shukla, Ld. JMIC Jalandhar and in compliance of order dated 15.11.2023 and 09.01.2024 passed by the Hon'ble High Court in CRM-M-50463-2023 and vide order dated 23.01.2024 the accused was granted regular bail and since then case is pending for appearance on behalf of complainant and to lead its pre charge evidence. Today also called called repeatedly since morning but neither complainant nor anybody else on his behalf appeared. The presence of complainant has been sufficiently awaited. This Court finds no justification in further adjourning the matter for the same purpose i.e., for appearance of complainant and is further of the view that the complainant is not interested in pursuing the present complaint. Accordingly, the present complaint of the complainant stands dismissed in default due to want of prosecution. However complainant shall be at liberty to revive the present complaint, subject to plausible explanation for his non appearance, by moving an appropriate application. File be consigned to the record room, after due compliance.”

9. A perusal of the aforementioned order would show that the complaint itself has been dismissed in default for want of prosecution.
10. In view of the above, the impugned order dated 12.08.2013 (Annexure P-2) stands quashed.
11. All the pending miscellaneous applications, if any, stand disposed of.

05.02.2026
Kusum

(JASJIT SINGH BEDI)
JUDGE

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