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

CRM-M-36024-2025

Date of decision : 14.07.2025

Malkeet @ Malkiat Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Manoj Pundir, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 26.03.2025 passed by the Court of learned Judicial Magistrate Ist Class, Ludhiana in case FIR No.214 dated 30.11.2018, registered under Sections 420, 120-B of IPC and Section 24 of Immigration Act and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 Act at Police Station Haibowal, District Ludhiana whereby the petitioner was declared as proclaimed offender as well as all consequential proceedings arising therefrom, without complying with the provisions of Section 82 of Cr.P.C. Further prayer has been made for staying the operation of the impugned order.

2. It has been contended by counsel for the petitioner that in the above said case, the petitioner and the complainant appeared before the trial Court and get recorded their statements with regard to compromise



and the petitioner was assured by his counsel that since the statements have been recorded the FIR will be quashed. Thereafter, due to COVID-19 pandemic, the petitioner was never communicated by his counsel and thus, he remained under impression that the FIR might have been quashed. He submits that the petitioner was not aware about the ongoing proceedings as he was never served with any proclamation. He submits that without complying with the provisions of Section 82 Cr.P.C., petitioner was declared as a proclaimed offender. 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. J.S. Arora, 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 offender who remained absent on several dates despite orders.

6. 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 never served with any notice. 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 26.03.2025 is *set aside* subject to payment of Rs.10,000/- as costs to be deposited in the **'Day Care Centre for Elderly Disabled in home for old & Destitute People, Sector-15 Chandigarh'** by the petitioner in one week from



today. In case, petitioner appears before the Court concerned within a period of 10 days from today 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 today.

7. 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 26.03.2025 would automatically come in force.

14.07.2025

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**(RAJESH BHARDWAJ)
JUDGE**

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