

2025:PHHC:093759



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

**CRM-M-39922-2025
Date of Decision: 28.07.2025**

Arun Jodan @ Arun Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Mandeep Singh Kundu, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Prayer in the present petition is for quashing of impugned order dated 10.06.2025 (Annexure P-3) whereby warrants of arrests have been issued against the petitioner and order dated 09.07.2025 (Annexure P-7) passed by the Court of learned Chief Judicial Magistrate, Sonipat vide which proclamation under Section 82 Cr.PC has been issued against the petitioner in case FIR No.659 dated 17.12.2016 under Sections 419/420/406/120-B of IPC, 1860, registered at Police Station City Sonipat, District Sonipat (Annexure P-1).

2. It has been contended by counsel for the petitioner that the petitioner has been prosecuted in the above mentioned case. He has submitted that the petitioner was not aware about the impugned orders. He has submitted that warrants of arrest were issued against the petitioner vide order dated 10.06.2025 (Annexure P-3). He has submitted that vide order dated 09.07.2025 (Annexure P-7) proclamation proceedings under Section 82

Cr.P.C./Section 84 of BNSS were initiated against the petitioner. He has further submitted that on 10.06.2025 petitioner was suffering from fever and he informed his counsel. Thereafter, application for exemption was filed by the counsel but the learned trial Court did not entertain the exemption application as no medical record was attached with the application. The non-appearance of the petitioner was not deliberate. He has submitted that the petitioner was not aware about the impugned orders dated 10.06.2025 and 09.07.2025. 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. AG, 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 stated that the trial Court has rightly issued warrants of arrests, who remained absent from the Court without any valid reason.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in FIR No.659 dated 17.12.2016 under Sections 419/420/406/120-B of IPC, 1860, registered at Police Station City Sonipat, District Sonipat. As per, the petitioner, he was not aware about the proclamation proceedings and thus, due to absence of the petitioner warrants of arrests were issued. Without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceed 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 orders dated 10.06.2025 (Annexure P-3) and

09.07.2025 (Annexure P-7) passed by the Court of learned Chief Judicial Magistrate, Sonipat declaring the petitioner as proclaimed person is set aside subject to payment of Rs.10,000/- as costs to be paid to the Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15, Chandigarh. The petitioner is directed to appear before the trial Court within a period of 10 days from today 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 today.

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 orders dated 10.06.2025 (Annexure P-3) and 09.07.2025 (Annexure P-7) would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

28.07.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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