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

**CRM-M No.20207 of 2025
Date of decision : 20.05.2025**

Mehar Singh @ Meharveer Singh and another

.....Petitioners

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Amit Arora, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing the impugned order dated 27.02.2025 (Annexure P-5) passed by the learned Chief Judicial Magistrate, Tarn Taran, District Tarn Taran vide which the petitioners have been declared as proclaimed persons in utter violation of procedure prescribed under Section 82 Cr.P.C. and the same is arising out of criminal complaint bearing COMI/53/2018 dated 24.04.2018 filed under Sections 457/380/447/506 IPC, 1860 titled as “Dr. Surinderpal Singh vs. Sukhwinder Singh and another” (Annexure P-2) and summoning order dated 28.03.2019 passed by the learned Chief Judicial Magistrate, Tarn Taran vide which the petitioners have been ordered to be summoned to face trial for commission of offences under Sections 447/452/461/380/447/506/34 of IPC, 1860 (Annexure P-3).

2. It has been contended by counsel for the petitioners that the petitioners were prosecuted in FIR No.13, dated 14.01.2018, under



Sections 457/380/447/506 of IPC, registered at Police Station City Tarn Taran. He has submitted that during the investigation, the petitioners were exonerated from the FIR and the investigating agencies recommended to file the cancellation report against the petitioners. He has submitted that thereafter respondent No.2 again filed a complaint under Sections 457, 380, 447 & 506 of IPC on the same set of allegations as levelled in the FIR and the learned Judicial Magistrate vide its order dated 11.03.2019 called the report under Section 210 Cr.P.C., which was submitted to the effect that cancellation of FIR has been recommended and thus, the report was tagged along with the complaint and vide order dated 28.03.2024, summoned the petitioners to face trial for commission of offences under Sections 447/452/461/380/447/506/34 of IPC, 1860. He has further submitted that the petitioners have approached this Court by way of filing CRM-M-49220-2019 praying for quashing of complaint and summoning order, however the same was dismissed as withdrawn with liberty to the petitioners to raise all such pleas as raised in the petition before the learned trial Court at an appropriate stage vide order dated 06.08.2024. He has further submitted that the petitioners were under the impression that the notices will be received by the learned trial Court as they were never aware about the date of hearing in the complaint. However due to their absence, the learned trial Court vide order dated 27.02.2025 declared the petitioners as proclaimed persons. He has submitted that on coming to know, the petitioners approached the learned Sessions Court praying for the grant of anticipatory bail, however the same was dismissed vide order dated 03.03.2025. He has submitted that the petitioners were never served with any notice of proclamation. He has submitted that absence of the



petitioners was bona fide and not intentional. He has further submitted that the petitioners are ready to appear before the learned trial Court and abide by the terms and conditions imposed upon them.

3. Notice of motion to official respondent No.1 at this stage.

4. On asking of the Court, Mr. Tarun Aggarwal, Addl. A.G., Punjab appears and accepts notice on behalf of respondent No.1-State. He has opposed the submissions made by learned counsel for the petitioners and has stated that the trial Court has rightly declared the petitioners as proclaimed persons who remained absent from the Court without any valid reason despite orders.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioners were prosecuted in FIR No.13, dated 14.01.2018, under Sections 457/380/447/506 of IPC. During the investigation, the petitioners were exonerated from the FIR and the investigating agencies recommended to file the cancellation report. Respondent No.2 again filed a complaint under Sections 457, 380, 447 & 506 of IPC on the same set of allegations as levelled in the FIR. However the petitioners were summoned to face trial for commission of offences under Sections 447/452/461/380/447/506/34 of IPC, 1860. The petition bearing CRM-M-49220-2019 praying for quashing of complaint and summoning order was dismissed as withdrawn with liberty to the petitioners to raise all such pleas as raised in the petition before the learned trial Court at an appropriate stage vide order dated 06.08.2024. However due to their absence, the petitioners declared as proclaimed persons. Application for anticipatory bail filed by the petitioners before the learned Sessions Court was dismissed vide order dated 03.03.2025.



However the petitioners remained absent as he was never served with any notice of proclamation under Section 82 of Cr.P.C. Without commenting anything about the authenticity of the ground of absence taken by the petitioners, 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 order dated 27.02.2025 and summoning order dated 28.03.2019 declaring the petitioners as proclaimed persons as well as the petitioners were summoned to face trial are *set aside* subject to payment of Rs.10,000/- as costs to be paid to the Society for the Care of Blind, Sector 26, Chandigarh within a period of 07 days from today. In case the petitioners appear before the trial Court and files appropriate application along with receipt of costs before the trial Court within a period of 10 days from today, the trial Court will admit them to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioners will have protection from arrest for a period of 10 days from today.

6. Needless to say that in case the petitioners fail to comply with the abovesaid direction, they will have no benefit of this order and the orders dated 27.02.2025 and 28.03.2019 would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

20.05.2025

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Whether speaking/reasoned
Whether reportable

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(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No