



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

**CRM-M No.28420 of 2025
Date of Decision : 22.05.2025**

Paramjit @ Paramjit Ram

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Bikramjit Singh Randhawa, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 13.12.2024 passed by the learned Sub Divisional Judicial Magistrate, Samana, District Patiala (Annexure P-5) in case FIR No.185, dated 16.08.2021, under Sections 302, 452, 120-B, 148, 149 of IPC, 1860, registered at Police Station Samana, District Patiala (Annexure P-1) whereby the petitioner has been wrongly declared as proclaimed offender. Further prayer has been made for staying the operation of impugned order dated 13.12.2024 during the pendency of the present petition.

2. It has been contended by learned counsel for the petitioner that the petitioner was prosecuted in FIR No.185, dated 16.08.2021, under Sections 302, 452, 120-B, 148, 149 of IPC, 1860. He has submitted that the complainant along with PW-3, namely, Budh Ram and PW-5, namely, Surjit Ram were declared hostile by the learned trial Court. He has submitted that no proper service was effected upon the petitioner before declaring the petitioner as proclaimed offender and thus the impugned order dated 13.12.2024 is unsustainable in the eyes of law and deserves to



be set aside as the same was passed without considering the provisions of law. He has submitted that after registration of the FIR, the petitioner approached the Court of learned Additional Sessions Judge, Patiala praying for the grant of bail, however the same was declined by the learned Additional Sessions Judge vide order dated 04.01.2025. Being aggrieved, the petitioner approached this Court by way of filing CRM-M-5520-2025 praying for the grant of anticipatory bail, which was also dismissed as withdrawn vide order dated 31.01.2025 as the petitioner was declared proclaimed offender. He has submitted that the petitioner faced the prosecution in one more case and he was duly appearing before the learned trial Court in the same Court but despite that he has been declared proclaimed offender. He has further submitted that the petitioner is ready to surrender and face the trial. He has thus submitted that the petitioner be granted protection for appearing before the trial Court.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Addl. A.G., Punjab 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 declared the petitioner as proclaimed offender, 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.185, dated 16.08.2021, under Sections 302, 452, 120-B, 148, 149 of IPC, 1860. However the petitioner remained absent as he was never served with any notice of proclamation under Section 82 of Cr.P.C. and thereafter he was



declared as proclaimed offender. As submitted by learned counsel for the petitioner that the petitioner is ready to surrender before the Court and face the trial. Without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceeds 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 order dated 13.12.2024 declaring the petitioner as proclaimed offender 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 within a period of 07 days from today. The petitioner is directed to appear before the trial Court within a period of 07 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 07 days from today.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, then he would not get benefit of this order and the order dated 13.12.2024 would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

22.05.2025

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Whether speaking/reasoned
Whether reportable

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:

Yes/No
Yes/No

(RAJESH BHARDWAJ)
JUDGE