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

**CRM-M No.6012 of 2025
Date of decision : 11.02.2025**

Baljinder Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Dhiraj Jindal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing/setting aside the impugned order dated 03.10.2013 (Annexure P-4) passed by the learned Judicial Magistrate First Class, Samana, District Patiala whereby the petitioner has been declared as proclaimed offender in case bearing No.CHI/133/2013 titled as 'State of Punjab vs. Baljinder Singh' arising out of FIR No.144, dated 27.06.2012, under Sections 341, 323, 506, 201, 148, 149 of IPC, registered at Police Station Patran, District Patiala (Annexure P-1) along with all consequential proceedings. Further prayer has been made that the petitioner may kindly be permitted to appear before the learned trial Court and upon doing so he may be released on bail.

2. It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner was declared proclaimed offender vide



impugned order dated 03.10.2013 only in violation of the provisions of Section 82 of Cr.P.C. He has submitted that the petitioner was not aware about the presentation of challan and thus he was not absconding but the matter was not in his knowledge. He has submitted that the learned trial Court came to know that the petitioner has gone abroad, however the learned Court has not ordered any proclamation to be issued in any newspaper published in England. He has submitted that the petitioner is ready to return to India and face the proceedings. He has submitted that the petitioner is returning to India on 24.03.2025. He submits that absence of the petitioner was neither intentional nor willful. He thus submits that now the petitioner is ready and willing to join the proceedings and abide by the terms and conditions of bail.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Senior DAG, Punjab 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 petitioner and perusing the record, it is apparent that the petitioner remained absent earlier on 01.04.2013 and on 05.07.2013, proclamation under Section 82 of Cr.P.C. was issued against him. However the petitioner remained absent as he was in England, thus vide order dated 03.10.2013, he was declared as proclaimed offender. The reason given by the petitioner for his absence is that he was residing in England. 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 order dated 03.10.2013 declaring the petitioner as proclaimed offender is *set aside* subject to payment of Rs.50,000/- 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 petitioner appears 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 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.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he have no benefit of this order and the order dated 03.10.2013 would stand automatically revived and the present petition shall be deemed to have been dismissed.

8. Disposed of in above terms.

11.02.2025

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

(RAJESH BHARDWAJ)
JUDGE