



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

CRM-M-30950-2025
Date of Decision: 01.07.2025

Gurwinder Singh @ Kul

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Vikasdeep Singh, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 23.04.2025 passed by learned Chief Judicial Magistrate, Kapurthala in FIR No.209 dated 14.07.2021 under Sections 379, 411 IPC, registered at Police Station City Kapurthala, vide which the petitioner has been declared as proclaimed person.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the present case. He submits that due to noting of wrong date, the petitioner could not appear before the trial Court, due to which his bail was cancelled and he was ordered to be summoned through non-bailable warrants vide order dated 19.03.2024. He submits that the petitioner approached the Court of learned Additional Sessions Judge, Kapurthala, who vide order dated 26.06.2024 directed the petitioner to appear before the trial Court within a period of 10 days, however, as the petitioner could not arrange fresh sureties within time, he was declared as proclaimed offender vide order dated 23.04.2025. He submits that the absence of the petitioner was totally unintentional and



beyond his control. He submits that now petitioner is keen to join the proceedings and face the trial in the above said case and comply with the condition, if any imposed by the Court and as such the order dated 23.04.2025 to be set aside.

3. Notice of motion.

4. Mr. J.S. Arora, DAG, Punjab, accepts notice on behalf of the State and has submitted that learned trial Court has rightly declared the petitioner as proclaimed person as he intentionally not appeared before it.

5. After hearing learned counsel for the petitioner and perusing the record, it is evident that due to non-appearance of the petitioner, he was declared as proclaimed person on 23.04.2025. The Court without going into the authenticity of the ground taken for the absence of the petitioner, deems it appropriate to direct him to appear before the Court concerned to face the trial in the present case, as now he is keen to join the proceedings and face the trial. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, no useful purpose would be served by sending him behind the bars, therefore, the order dated 23.04.2025 is set aside subject to payment of Rs.10,000/- as costs to be paid by the petitioner to **Punjab and Haryana High Court Employees Welfare Association, Chandigarh** within a period of seven days from today

6. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs of Rs.10,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing fresh bail/surety bonds subject to its satisfaction. The petitioner will have protection from arrest for



a period of ten days from today. The trial Court is free to impose any condition it likes on the petitioner while admitting him to bail.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 23.04.2025 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

01.07.2025
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No