



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

CRM-M-40069-2025

Date of Decision: 28.07.2025

Jagmohan Singh @ Mohna

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajesh Bhatheja, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. At the outset, learned counsel for the petitioner has submitted that inadvertently in the head-note of petition, the order dated 01.07.2013 declaring the petitioner proclaimed offender, has wrongly been mentioned as 01.07.2023. He, thus, submits that the order dated 01.07.2023 be read as 01.07.2013.

On his oral request, the order dated 01.07.2023 in the head-note of the petition be read as 01.07.2013.

Registry is directed to carry out necessary corrections.

2. Prayer in the present petition is for quashing of the order dated 01.07.2013 (Annexure P-3), passed by learned CJM, Moga, whereby, the petitioner has been declared as proclaimed offender in a case FIR No.137 dated 27.07.2012, under Sections 307, 34 IPC and Sections 25, 27 of the Arms Act, 1959 at Police Station City Moga, District Moga.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the present case. He submits that after the registration of the FIR, the petitioner left India and after visiting different countries, he went to Sapin and since 16.08.2013, he is in



Spain and has not come back to India. He submits that after the registration of the FIR, non-bailable warrants issued against the petitioner were never executed and without following the procedure prescribed under Section 82 Cr.P.C., he was declared as proclaimed offender vide order dated 01.07.2013. He further submits that even otherwise, the co-accused were tried by the trial Court and were acquitted by learned Additional Sessions Judge, Moga, vide judgment dated 09.12.2014. He submits that the absence of the petitioner was totally unintentional and beyond his control. He submits that now petitioner is keen to come back India on 07.08.2025 and 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 01.07.2013 declaring the petitioner as proclaimed offender, deserves to be set aside.

3. Notice of motion.

4. Mr. J.S. Arora, DAG, Punjab accepts notice on behalf of the State. He has submitted that learned trial Court has rightly declared the petitioner as proclaimed offender, as he intentionally did not appear before the trial Court since the date of registration of the FIR.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to non-appearance of the petitioner, he was declared as proclaimed offender on 01.07.2013. As submitted before this Court, now the petitioner is returning back to India on 07.08.2025. 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 come back to India and join the proceedings and face the trial, no useful purpose would be served by sending him behind the bars, therefore, the order dated 01.07.2013, declaring the petitioner as proclaimed offender, is set aside subject to payment of Rs.50,000/- as costs to be paid by the petitioner within a period of seven days from today to the following:-

- (1) **Rs.25,000/- to the Punjab and Haryana High Court Employees's Welfare Association, Chandigarh.**
- (2) **Rs.25,000/- to the Punjab and Haryana High Court Bar Association, Chandigarh.**

6. The petitioner is directed to appear before the trial Court within a period of ten days from the date of his arrival in India and file an appropriate application alongwith receipt of costs of Rs.50,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing bail/surety bonds subject to its satisfaction. The petitioner will have protection from arrest for a period of ten days from the date of his arrival in India. 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 01.07.2013 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

28.07.2025

sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No