

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:097255



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CRM-M-40561-2025 (O&M)
Date of decision:31.07.2025

Harjeet Singh @ Harjit Singh & another ... Petitioners

Vs.

Dr. Mulkh Raj & others ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA.

Present: Mr. H.P.S. Ghuman, Advocate for the petitioners.

...

MANISHA BATRA, J. (ORAL).

Petitioner is seeking quashing of order dated 07.05.2025 passed by the Court of learned Judicial Magistrate 1st Class, Nabha in Criminal Complaint No.COMA-166-2018 titled as 'Dr. Mulkh Raj Vs. Harjeet Singh', whereby non-bailable warrants were ordered to be issued against the petitioners. Further challenge is to the order dated 02.07.2025, whereby proclamation has been ordered to be issued against the petitioners.

2. Learned counsel for the petitioners has placed on record copy of latest order dated 29.07.2025 as per which the case has been adjourned to 26.08.2025 for awaiting presence of the petitioners and other accused, in view of the fact that period of statutory period of 30 days for declaring the petitioners and other accused as proclaimed persons has not been expired.

3. It is argued by learned counsel for the petitioners that their absence on 07.05.2025 was not intentional but it was on account of noting down a wrong date of hearing. Due to that very fact, they neither filed any

application seeking exemption from their appearance nor had appeared before the Court. It is further argued that they are ready to join proceedings before the learned trial Court. The order of proclamation of their proceedings against them have also been passed in violation of the provisions of Section 82 Cr.P.C. (which is parimateria to Section 84 of BNSS).

4. I have heard learned counsel for the petitioners at length and have gone through the record.

5. A perusal of order dated 07.05.2025 reveals that the bail of the petitioners had been cancelled and bonds were forfeited to the State and proclamation was issued against them. Further on perusal of order dated 02.07.2025, it has been noticed that presence of both the petitioners could not be secured despite exercise of due diligence and there were no chances of their putting appearance before the Court. Learned Magistrate has passed order for issuance of proclamation against them while ignoring the legal requirement of statutory period of 30 days.

6. Keeping in view the above discussed facts, the petitioners are directed to surrender before the trial Court on or before the date fixed and on their doing so, they shall be admitted to bail on their furnishing fresh personal as well as surety bonds to the satisfaction of learned trial Court.

7. Disposed of.

(MANISHA BATRA)
JUDGE

31.07.2025

harjeet

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