



2026:PHHC:076853

2026:PHHC:076853



CRM-M-19008-2026

-1-

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

CRM-M-19008-2026

Date of Decision: 11.05.2026

Ajay Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present: Mr. Munish Gulati, Advocate,
for the petitioner.

Mr. Gaurav Kathuria, DAG Punjab.

NEERJA K. KALSON, J.

1. The present petition has been filed under Section 528 of the BNSS, 2023, seeking quashing of the impugned order dated 06.12.2025 passed by the Court of learned Additional Chief Judicial Magistrate, SAS Nagar, whereby the petitioner was declared a proclaimed person in a case arising out of FIR No. 63 dated 15.04.2025, under Sections 64, 137(2), 87, 143, 351(2) of BNS, 2023; Section 6 of POCSO Act and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2019, registered at Police Station Mataur, District SAS Nagar Mohali along with all subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner contends that the impugned order declaring the petitioner as a proclaimed person is not sustainable in the eyes of law. It is further contended that the prosecutrix had turned



hostile and the main accused has already been acquitted by the learned trial Court vide judgment dated 09.01.2026. It is further submitted that the absence of the petitioner before the learned trial Court was neither intentional, nor willful; rather it was on account of the some compelling family reason owing to advanced stage of pregnancy of his sister, namely, Reeta, whose husband was in custody in the present FIR. It is further contended that there was no one else in the family to take care of her. It is further submitted that co-accused-Reeta has already been granted the relief of quashing the proclaimed offender order by this Court.

3. *Per contra*, learned State counsel has opposed the prayer made by the petitioner. It is submitted that the petitioner has intentionally evaded the process of law. He was very much aware of the proceedings pending before the learned trial Court. The petitioner has no regard for the rule of law; therefore the present petition warrants dismissal.

4. I have heard learned counsel for the parties and perused the case file carefully.

5. A perusal of the case file reveals that the petitioner was declared a proclaimed person due to his prolonged and continuous absence from the trial Court proceedings over multiple dates, however, he has satisfactorily explained the reasons behind his absence as the advanced stage pregnancy of his sister, coupled with the fact that his brother-in-law (Jija) was in custody at that time in the present case.

6. *A fortiori*, co-accused, namely, Reeta was declared a proclaimed person along with the petitioner by the learned trial Court. The



CRM-M-19008-2026

said co-accused challenged the order declaring her proclaimed offender before this Court which was set-aside vide order dated 09.03.2026 passed in CRM-M-12563-2026.

7. Taking into consideration the fact that the main accused, who faced the trial, stood acquitted by the trial Court vide judgment of acquittal dated 09.01.2026 and that the petitioner has satisfactorily explained the reasons for his absence viz., pregnancy of his sister and while keeping in mind the principle of parity that the impugned order, vide which co-accused Reeta was declared a proclaimed person, has been set-aside by this Court, the present petition is allowed.

8. Consequently, the order dated 06.12.2025 (Annexure P-5), passed by learned Additional Chief Judicial Magistrate, SAS Nagar is hereby quashed qua the petitioner subject to payment of Rs. 50,000/- as costs to be paid by the petitioner to any Old Age Home.

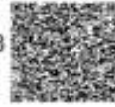
9. The petitioner is directed to appear before the trial Court within a period of two weeks from today and file an appropriate application along with costs of Rs. 50,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of two weeks from today. The trial Court is free to impose any condition on the petitioner while admitting him to bail.

10. Needless to say that in case the petitioner fails to comply with the abovesaid condition, this order would be of no avail to him and the order



2026:PHHC:076853

2026:PHHC:076853



-4-

CRM-M-19008-2026

dated 06.12.2025 (Annexure P-5) will come in force and the present petition shall be deemed to have been dismissed.

11. All pending application(s), if any, shall also stand disposed of.

(NEERJA K. KALSON)
JUDGE

11.05.2026

SN

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No