

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

**119**

**CRM-M-12567-2023  
Date of decision: 15.03.2023**

Dev Raj

.....Petitioner

Versus

Suraj Mal

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Harinder Pal Singh Ishar, Advocate for the petitioner.

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**MANJARI NEHRU KAUL, J. (ORAL)**

The petitioner is seeking setting aside of order dated 06.10.2022 (Annexure P-3) passed by learned Judicial Magistrate 1<sup>st</sup> Class, Kalka in Criminal Complaint bearing No.COMI/30/2016 titled as 'Suraj Mal Vs. Dev Raj' under Sections 420, 468, 471 and 506 read with Section 120 B of the IPC whereby learned Trial Court has cancelled the bail/surety bonds of the petitioner and issued non-bailable warrants and order dated 01.12.2022 (Annexure P-5) whereby the petitioner was declared a proclaimed offender.

Learned counsel for the petitioner submits that on 06.10.2022 the petitioner could not appear before the Trial Court as he had noted down a wrong date which led to cancellation of his bail/surety bonds and issuance of non-bailable warrant of arrest against him. He submits that the non-bailable warrants were received back unexecuted and proceedings under Section 82 of the Cr.P.C. were initiated against the petitioner, who ultimately was declared a proclaimed person vide order dated 01.12.2022. He further submits that however, the petitioner was willing and ready to appear, and surrender

before the Trial Court. Hence, in the aforementioned facts and circumstances, the petitioner be protected till his appearance before the Trial Court and with directions to the Trial Court that his bail application, which he would be filing on his surrender, be decided expeditiously.

In view of the limited prayer made by the learned counsel for the petitioner, the instant petition is disposed of with directions to the petitioner to appear and surrender before the Trial Court within 07 days from today. Till then, no coercive steps be taken against the petitioner.

It is made clear that in case, the petitioner fails to surrender before the Trial Court within 07 days from today, this order shall be of no avail to him. In case, on appearance and surrender, the petitioner moves an application for bail before the Trial Court, the same shall be decided expeditiously by the Trial Court in accordance with law.

**15.03.2023**

Vinay

**(MANJARI NEHRU KAUL)**  
**JUDGE**

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