

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6569-2024
DECIDED ON: 08.02.2024

MANDEEP SINGH ALIAS KAKA
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Monty Goyal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for quashing of the order dated 24.11.2022 (Annexure P-2) passed in FIR No.111 dated 18.08.2019, under Sections 323, 324, 506 of IPC, 1860, registered at Police Station Meharban, Ludhiana, District Ludhiana.
2. Learned counsel for the petitioner submits that the petitioner could not put in appearance since 25.11.2019 before the trial Court on account of being admitted in hospital at Delhi, who was getting treatment for Drug De-addiction as he got addicted to drugs and thereafter, due to *corona virus* pandemic there was complete lockdown and partial conduct of the trial Court proceedings were in operation.
3. He further submits that the absence of the petitioner before the trial Court was neither intentional nor deliberate and there is no intention whatsoever to evade the process of law at the hands of petitioner, who undertakes to surrender before the trial Court as per the directions of this Court.
4. Notice of motion.

5. On the asking of Court, Mr. Rajiv Verma, DAG Punjab accepts notice on behalf of respondent-State, who is not averse to the quashing of the order dated 24.11.2022 vide which non-bailable warrants have been issued against the petitioner after cancellation of bail and forfeiture of bail/surety bonds in favour of the State.

6. Having heard learned counsel for the respective parties, this Court is conscious of the fact that though the petitioner remained absented for a long time for which he does not deserve any concession or sympathy, but only considering the fact that his surrendering before the trial Court, in case of does so would help in furtherance of trial proceedings, which would take trial to a logical end, which is pending since 2019, which would be doing actual substantial justice.

7. In the light of aforesaid discussions made hereinabove, the petitioner is directed to surrender before the trial Court within a period of one week from today and in case of his doing so, if any application for bail is filed before the trial Court, the same may be taken up and disposed off on that very day in accordance with law.

8. The order dated 24.11.2022 (Annexure P-2) is hereby quashed.

6. However, it is made clear that in case the petitioner fails to comply with the undertaking given before this Court and surrender in accordance therewith, the State will be at liberty to move an application for revival of the present petition.

7. It is further clarified that the aforesaid order/concession to the petitioner shall be subject to payment of Rs.10,000/- as costs to be deposited with the Punjab and Haryana High Court Bar Clerk's Association, Chandigarh as a token penalty on account of his conduct due to which the trial proceedings have been delayed by almost 4 years. The receipt of the same be produced before the Trial Court and only

in that eventuality application of the petitioner seeking bail be considered by the Trial Court.

08.02.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>