



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

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**CRM-M No.16767 of 2024
Date of decision : 31.7.2024**

Kushalpal Singh Khehra @ Khushpal SinghPetitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Neeraj Jain, Advocate, for the petitioner

Mr. Rajiv Verma, DAG, Punjab

SANDEEP MOUDGIL, J (ORAL)

The petition has been filed under Section 482 Cr.P.C. for quashing the order dated 14.3.2022, passed by the CJ (JD)/JMIC, Malout, District Sri Muktsar Sahib (Annexure P-2), vide which the petitioner was declared a proclaimed person in case FIR No.113 dated 12.8.2017, under Sections 419, 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Kabarwala, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner contends that due to miscommunication between the petitioner and his counsel, representing him before the trial Court, the petitioner could not appear in Court on. Resultantly, his bail was cancelled wherein bail bonds and surety bonds were forfeited to the State, and thereafter, he was declared proclaimed offender vide the impugned order dated 14.3.2022.

3. Learned counsel for the petitioner now undertakes that he is



ready and willing to surrender before the trial Court to associate in the trial proceedings within a period of 7 days from today itself.

4. In the light of above, having regard to the reasons mentioned in the petition as well as arguments raised before this Court. This Court is duly convinced that the absence of the petitioner is neither intentional nor deliberate but has occurred due to a bona fide error.

5. Now the petitioner has given an undertaking to join the proceedings after surrendering, which would only facilitate the ponderance of Court proceedings and help in expediting the proceedings of the trial for final adjudication. This Court is of the considered view that in the light of circumstances as discussed herein above, the petitioner deserves to be given an opportunity to surrender and join the proceedings before the trial Court as undertaken by him, i.e., within a period of 7 days from today.

6. Hence, the order dated 14.3.2022 is quashed subject to surrendering of the petitioner within 7 days from today.

7. It is further observed that in case any application for bail is moved by the petitioner, the same may be considered and decided by the Court in accordance with law on that very day itself.

8. There is no denial to the fact that due to petitioner's act, delay has occurred in trial proceedings and has caused prejudice to the other side and to compensate the delay caused by the petitioner alone. He is directed to deposit cost of ₹15,000 before the Punjab and Haryana High Court Bar Clerks Association and a receipt of the same to be produced before the trial Court and only in that eventuality, application for bail be

considered.

9. However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

10. The petition in the aforesaid terms is allowed.

(SANDEEP MOUDGIL)
JUDGE

31.7.2024
Ashwani

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