



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

**144 CRM-M-22518-2024
DATE OF DECISION: 06.05.2024**

GURSEWAK SINGH

...PETITIONER

Versus

THE STATE OF HARYANA AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Karan Singla, Advocate and
 Ms Malvi Aggarwal, Advocate for the petitioner(s).

Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for seeking quashing/setting aside of the order dated 27.03.2024 vide which the petitioner has been declared as proclaimed person in a complaint filed under Section 138 of Negotiable Instrument Act and all subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits the petitioner was regularly appearing in the Trial Court but due to ill health could not appear on two dates and was not in a position to inform the counsel qua the same. On 08.01.2024 the Trial Court cancelled the surety bonds and summoned through non-bailable warrants and adjourned the matter for 16.01.2024. On 30.01.2024, the Trial Court had passed the order of warrant of arrest and the proclamation was issued against the petitioner

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and adjourned to 18.03.2024. After that on 27.03.2024, the petitioner was declared as proclaimed person. He did not have any intention to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion. On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court tomorrow i.e. on 07.05.2024 and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

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.



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The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.5000/- to be deposited with the Punjab and Haryana High Court Bar Clerk Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

06.05.2024
anuradha

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