



CRM-M-22582-2024

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

**146 CRM-M-22582-2024
DATE OF DECISION: 06.05.2024**

SANJAY GUPTA ...PETITIONER

Versus

KAMAL JAIN AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ankit Bishnoi, 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 21.02.2024 vide which petitioner has been declared proclaimed offender.

Learned counsel for the petitioner submits the petitioner was released on bail on 07.03.2019. The petitioner filed appeal before the Sessions Judge, Mewat on 22.09.2023 against the order dated 02.09.2023 vide which the application filed by the petitioner under Section 251 read with Section 258 Cr.P.C. of dropping the further proceedings in the case was dismissed. During the pendency of the said appeal, the Trial Court cancelled the bail of the petitioner and issued non-bailable warrants and thereafter, issued proclamation proceedings



against the petitioner. Vide order dated 21.02.2024, the petitioner was declared as proclaimed offender. The petitioner 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 within a period of one week week from today 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.10,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh (Account No.65035682434, IFSC Code: SBIN0050306) 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>