

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

139

CRM-M-23406-2024
Date of Decision: 09.05.2024

Gianender Pal Singh Tomar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rajender Kumar, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of the order dated 14.03.2024 (Annexure P-15), whereby, the petitioner was declared as proclaimed person.

Learned counsel for the petitioner submits that the impugned order dated 14.03.2024 is inappropriate whereby the petitioner was declared as proclaimed person as the petitioner was allegedly not found on the given address as mentioned in the non-bailable warrants and for this reason, the proclamation advertisement was affixed on the given address. It is pleaded on behalf of the petitioner that due to the accident of his son, the petitioner was in hospital to take care of his son and moreover, during this period, the petitioner even lost his eye sight and was admitted in hospital for his own treatment and this fact is stated to have been already informed to his counsel before the trial Court but no such application seeking exemption from personal appearance of the petitioner was ever moved by his counsel. He

further submits that non-appearance of the petitioner before the trial Court on 14.03.2024 is neither intentional nor deliberate and the petitioner is ready and willing to surrender before the trial Court.

Notice of motion.

On the asking of the Court, Mr. Baljinder Singh Virk, Sr. DAG, Haryana, accepts notice on behalf of the respondent-State and he is not adverse to the submissions made by learned counsel for the petitioner that the petitioner is ready and willing to surrender before the trial Court within a period of one week from today and undertakes not to default in future.

In light of the above, considering the bona fide before this Court at the request of the petitioner that he is ready and willing to join the trial Court at this stage though his absence has taken place not on his deliberate or intentional account but due to the reasons mentioned hereinabove which shows sufficient bona fide on his part. Further, this Court keeping in mind the fact that surrendering of petitioner will facilitate early disposal before the trial Court, I deem it appropriate to allow the present petition.

In view of above, the order dated 14.03.2024 (Annexure P-15) is set aside and the petitioner is directed to surrender before the trial Court within a period of one week from today. In case of doing so and if any application for bail is moved, then the same may be considered on that very date in accordance with law.

However, this order shall be subject to payment of Rs.10,000/- as costs to be deposited with the Punjab and Haryana High Court Bar Clerks Association whose receipt shall be produced before the trial Court at the time of surrender before the trial Court.

It is made clear that the aforesaid cost is not as a pre-condition

for allowing this petition but to compensate as the conduct of the petitioner

has caused delay in the trial and has resulted into multiplicity of litigation.

With these observations, the present petition is disposed of.

09.05.2024

D.Bansal

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No