



CRM-M-25551-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision: 20.05.2024

R.K. Bhandari @ Rajesh Kumar Bhandari
and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sahil Parmar, Advocate for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of the order dated 20.01.2018 (Annexure P-8), whereby, the petitioners were declared as proclaimed persons.

Learned counsel for the petitioners would contend that the petitioners are only the parents of Abhishek Bhandari who solemnized marriage with one Himani Sharma @ Heena on 19.10.2013. At the time of marriage, the business was run by Himani Sharma for Immigration with the help of her own brother, namely, Manish Sharma and the present petitioners have nothing to do with the said business who are directly or indirectly not involved therein and have not got any benefit out of the said business of their daughter-in-law Himani Sharma. It is also the specific case on behalf of the petitioners that they are living separately from Abhishek and Himani Sharma and therefore, were not aware of any proceedings going against

them in FIR No.25 dated 18.05.2016 under Sections 406 and 420 IPC. It is

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on that account, it is pleaded that they did not appear under that bona fide reason having no intent to disobey the law of land. He further submits that the petitioners are ready and willing to surrender before the trial Court.

It is apparent on record that on 20.01.2018, both the petitioners were declared proclaimed persons by the Chief Judicial Magistrate, SBS Nagar recording that 30 days statutory period has passed but the petitioners-accused have failed to put in appearance. It is easily can be seen from the record by this Court that proclamation order was passed on 07.12.2017 for service for 06.01.2018. On 06.01.2018, statement of serving constable was recorded and as per the same, the proclamation was pasted on the door of the house of the petitioners on 20.12.2017, since the period of 30 days has not been completed on subsequent date i.e. 06.01.2018, the period of 30 days was not completed, which is against the mandate of Section 82 Cr.P.C.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab, accepts notice on behalf of the respondent-State and he is not adverse to the submissions made by learned counsel for the petitioners that the petitioners are ready and willing to surrender before the trial Court within a period of two weeks 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 petitioners that they are ready and willing to join the trial Court at this stage though their absence has taken place not on their deliberate or intentional account but due to the reasons mentioned hereinabove which shows sufficient bona fide on their part. Further, this Court keeping in mind the fact that surrendering of petitioners will facilitate early disposal before the trial Court, I deem it appropriate to allow the

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present petition.

In view of above, the order dated 20.01.2018 (Annexure P-8) is set aside and the petitioners are directed to surrender before the trial Court within a period of two weeks 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 petitioners has caused delay in the trial and has resulted into multiplicity of litigation.

With these observations, the present petition is disposed of.

20.05.2024*D.Bansal***(SANDEEP MOUDGIL)
JUDGE**

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