

CRM-M No.31858 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

138A

CRM-M No.31858 of 2024
Date of decision : 8.7.2024

Gurdev Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Parminder Singh, Advocate, for the petitioner

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of order dated 29.11.2007 (Annexure P-3) passed in FIR No.46 dated 23.2.2002, under Sections 279, 337, 338 of the Indian Penal Code, 1860, registered at Police Station Butana, District Karnal (Annexure P-1), whereby the petitioner has wrongly been declared as proclaimed offender in violation of provisions of Section 105-B of Cr.P.C. without service of warrants and proclamation.

2. Learned counsel for the petitioner would contend that under a misdirected plea, he having trusted that in an enquiry made in the matter and the petitioner was found innocent, he left for abroad and in his absence, the trial proceedings has taken place which were neither intentional nor deliberate but on this misunderstanding of law having poor legal advice.
3. As soon as he came to know about the present proceedings, he contacted his counsel with trial Court and finally has approached this Court by way of instant petition and giving an undertaking that he is ready and willing to join the trial proceedings after due surrender before the Court below.
4. Considering the aforesaid undertaking given by learned counsel

CRM-M No.31858 of 2024 -2-
for the petitioner and the reason mentioned in the petition as well as submissions made to be *bona fide* one, he is directed to surrender before the trial Court within a period of 10 days from today.

5. In case at the time of surrender, an application for regular bail is moved by the petitioner, the same may be considered and decided by the Court in accordance with law preferably on that very day itself.

6. However, the aforesaid release shall be subject to the payment of costs to the tune of ₹10,000/- to be deposited with the Punjab and Haryana High Court Bar Clerks Association, which was not only resulted in delay of trial proceedings but was also wasted the time of the Court as well as has caused harassment to the complainant on account of such conduct of the petitioner attributed directly to him though may be *bona fide* on his part. Receipt of the same be produced before the trial Court and only in that eventuality, application of the petitioner for seeking bail be considered.

7. In view of the above, Order dated 29.11.2007 is quashed. 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.

8. The petition in the aforesaid terms is allowed.

(SANDEEP MOUDGIL)
JUDGE

8.7.2024
Ashwani

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