



CRM-M No.31792 of 2024

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

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CRM-M No.31792 of 2024

Date of decision : 8.7.2024

Dharminder Singh @ Baba

.....Petitioner

Versus**State of Punjab**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kushagra Mahajan, Advocate, for the petitioner

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of order dated 16.4.2024 (Annexure P-4), whereby the petitioner was declared as proclaimed person in FIR No.89 dated 15.6.2020, under Sections 379-B of the Indian Penal Code, 1860, and Section 25 of Arms Act, 1959, registered at Police Station Valtoha, District Tarn Taran (Annexure P-1),

2. Learned counsel for the petitioner would contend that he is not misleading the Court as having under the wrong impression noting down the date as 27.11.2023, though the case was listed on 21.11.2023. The submission that he was informed by the Naib Court on 21.11.2023 itself when the case is being called, and therefore, he should come to attend the Court. On receiving such information, the petitioner immediately rushed to the Court but by that time he was late and the impugned order was already in place.

3. Be that as it may, without going into further the merits of the order passed by the trial Court on 16.4.2024 declaring the petitioner as proclaimed person, in the light of an undertaking given before this Court that he is ready and willing to join the trial proceedings and will not commit any default now onwards and fully cooperate and associate in



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furtherance of completing as well as concluding the trial, this Court by taking the lenient view would direct the petitioner to surrender before the Court below.

4. Such direction being issued merely for the purpose and object that presence of the petitioner would facilitate the Court to continue the proceedings further and the same would reach logical conclusion otherwise absence of the petitioner would only delay the judicial process which would not be in the interests of complainant or the petitioner himself as well as the judicial institution.

5. However, the petitioner is directed to surrender before the trial Court within a period of one week from today that would be subject to payment of ₹10,000/- as costs, to be deposited with the Punjab and Haryana High Court Bar Clerks Association, on account of causing delay in trial proceedings and evading the process of law as a token of penalty at this stage.

6. 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.

7. Receipt of the same be produced before the trial Court and only in that eventuality, application of the petitioner for seeking bail be considered.

8. In view of the above, Order dated 16.4.2024 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.

9. The petition in the aforesaid terms is allowed.

(SANDEEP MOUDGIL)
JUDGE

8.7.2024

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No