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

CRM-M-44551-2024

Date of Decision: September 09, 2024

KARAN**....Petitioner(s)****VERSUS****STATE OF PUNJAB****....Respondent(s)****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Ms. Gagandeep Kaur, Advocate for
Ms. Bhupinder K. Bhangu, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)

This petition has been filed by the petitioner under Section 528 of BNSS, seeking quashing and setting aside of impugned order dated 14.07.2023 (Annexure P-6) passed by the Court of Judicial Magistrate 1st Class-III, Kapurthala in FIR No.0249 dated 24.09.2021 under Sections 379, 411 of IPC, registered at Police Station Kotwali, Kapurthala, wherein the petitioner has been declared proclaimed person.

Learned counsel for the petitioner submits the petitioner could not appear before the trial Court on 20.01.2023 and 24.02.2023 though earlier he was appearing regularly on each and every date. She further submits that the petitioner was not residing at the address where proclamation is alleged to have been circulated and on that account he never came to know about the same. The petitioner did not had any intention to



avoid attendance of 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.

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 Clerk Association, 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

09.09.2024
Sangeeta

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