



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

CRM-M-46240-2024

Date of Decision: September 17, 2024

FATEH CHAND

....Petitioner(s)

VERSUS

STATE OF HARYANA AND ANOTHER

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr. B.S. Virk, Senior DAG, Haryana.

SANDEEP MOUDGIL, J.(ORAL)

The jurisdiction of this Court has been invoked under Section 528 BNSS seeking quashing/setting aside of the order dated 27.08.2024 (Annexure P-3) whereby the petitioner has been declared as proclaimed offender in complaint COMA-3212 of 2019 dated 16.09.2019 titled as *Kuldeep Singh vs. Fateh Chand* filed by respondent No.2.

Learned counsel for the petitioner submits that the proclamation proceedings under Section 82 Cr.P.C. has been initiated against the present petitioner on 10.07.2024 and he was declared proclaimed person on 27.08.2024. He submits that neither publication notice was issued nor the proper steps have been taken as mentioned in Section 82 of Cr.P.C. He further submits that the petitioner did not have any intention to avoid attendance in the Court proceedings. He also 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 as given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by the learned counsel and also in appreciation of the fact that it will only speed up the proceedings of 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 10 days 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.5,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk Association, Chandigarh 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

17.09.2024
Sangeeta

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2024.09.17 20:09
I attest to the accuracy and
integrity of this document

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