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

CRM-M-46788-2024

Date of Decision: September 20, 2024

GORA SINGH ALIAS RAJINDER SINGH MANN

....Petitioner(s)

VERSUS**STATE OF PUNJAB AND ORS**

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Godara, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Mohit Jaggi, Advocate
for respondent Nos.2 and 3.

SANDEEP MOUDGIL, J.(ORAL)

This petition has been filed by the petitioner under Section 528 Bhartiya Nagrik Suraksha Sanhita, 2023 seeking quashing of the impugned order dated 07.01.2015 (Annexure P-3) as passed by Judicial Magistrate 1st Class, Faridkot, whereby the petitioner was declared a proclaimed offender in case pertaining to the instant FIR No.71 dated 13.07.2010 (Annexure P-1), under Sections 323, 324, 148, 149 IPC,1860 registered at Police Station Sadar Faridkot, District Faridkot.

The Ld. counsel for the petitioner submits, the petitioner could not appear before the Court on 07.01.2015 as the visa of the petitioner for California, USA was about to expire, therefore, he returned to California,



USA in the year 2013 and is ever since residing there and due to his non-appearance before the Court to assist in the proceeding on 07.01.2015 he was declared as a proclaimed person by the trial Court. Learned counsel for the petitioner undertakes that the petitioner will come to India within two weeks and surrender before the trial Court and shall also join the Trial proceedings without any delay or default thereof, in future.

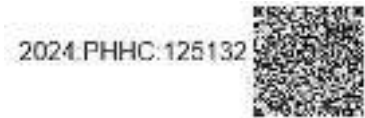
Notice of motion.

On the asking of the Court, the Ld. State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking as given on behalf of the petitioner by his counsel that the petitioner will surrender before the Trial Court and join the trial proceeding to assist the Court.

Considering the submissions as made by the Ld. counsels and also appreciating the fact that, it will only lead to a speedy trial in the Trial Court, which being one of the essence's as enshrined under the Article 21 of the Constitution of India, the petitioner is hereby directed to surrender before the trial Court within a period of 04 weeks from today and apply for the concession of regular bail.

In case, such an application seeking the concession of grant of bail is moved by the petitioner before the Ld. Trial Court, the same shall be considered and decided on the same date in accordance with law.

However, it is made clear that whereby the petitioner does not comply with the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for the revival of instant petition.



The aforesaid concession granted by the order to the petitioner shall be subject to, payment of \$3000 (US Dollar) as cost, to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh and a receipt of the same be produced before the Trial Court and only post that eventuality, the application of the petitioner seeking the concession of grant of bail shall 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

20.09.2024
Sangeeta

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