



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

121

CRM-M-55423-2024 (O&M)
DATE OF DECISION:08.11.2024

RAHUL @ SABU

...PETITIONER

Versus

UT OF CHANDIGARH

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amit Bhanot, Advocate for the petitioner(s).
Mr. Rahul Vats, Advocate and
Mr. Vivek Singla, Advocate for UT Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for quashing of order dated 11-07-2024 Annexure- P-2 in FIR No. 205 dated 5.12.2023 under section 302,341,147,148,149 and 120-B IPC, P.S. Sector-11, Chandigarh, Annxure-P-1 and with a further prayer that the arrest of the petitioner may kindly be stayed during the pendency of the present petition.

Learned counsel for the petitioner submits the petitioner has moved to Delhi in January i.e. much before the alleged date of occurrence and was not present there at the time of alleged occurrence. He further submits that the petitioner was not named in the FIR and was wrongly impleaded as accused after the filing of the FIR and even in the contents of the FIR, it is nowhere mentioned that the petitioner was involved in the instant FIR in any manner. It is his further contention that the respondent has never called the petitioner for joining the investigation and the Trial Court has also not followed the proper procedure before the proclamation proceedings against the petitioner and passed the impugned order. He asserts that the petitioner did not have any intention to avoid attendance in

the Court proceedings. 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 ten 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.

In view of the above, the impugned order 11.07.2024 is set aside and the instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

08.11.2024
anuradha

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