



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

ARSHPREET SINGH

VERSUS

....RESPONDENT

Present: Mr. Sumeet Singh Brar, Advocate
for the petitioner.

1. The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for quashing of impugned order dated 19.04.2023 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Payal, District Ludhiana vide which the petitioner has been declared as proclaimed person in FIR No.86 dated 07.07.2019, under Sections 323, 324, 148 and 149 of IPC, 1860, registered at Police Station Doraha, District Khanna, Ludhiana (Annexure P-1).

2. The learned counsel for the petitioner submits that the petitioner applied for an education visa to study in Canada in November 2021, during the pendency of the case, and was regularly appearing before the trial court. Suddenly, in April 2022, the petitioner was granted an education visa by the Canadian Government to study in Canada for the May intake session, and as a result, the petitioner had to depart for Canada on April 24, 2022. The counsel further submits that the petitioner had been advised by his counsel before the trial court that an exemption would be granted due to this reason. However, the petitioner later

contacted his counsel and learned about the passing of the impugned order. It is submitted that the absence of the petitioner was neither intentional nor deliberate, but occurred due to an inadvertent error and circumstances beyond his control.

3. He undertakes before this Court that the petitioner is ready and willing to surrender before the trial Court.

4. Be that as it may, without going further into the technicalities and the legality of the order, once the petitioner is ready and willing to join the trial proceedings, as has been undertaken before this Court, this Court deem it appropriate to dispose of the petition at this stage itself.

5. The petitioner shall surrender before the trial Court on or before 25.01.2025 and in case, he moves an application for regular bail on that day or any other subsequent date, same may be considered and decided in accordance with law preferably on that very day itself.

6. However, this Court is also sanguine of the fact that due to absence may be on account of the reasons, as has been detailed in the petition and submitted before this Court during the course of hearing, the fact remains that trial has been delayed.

7. As a penalty for causing delay in the trial proceedings, the petitioner is penalized with a cost of Rs.1,00,000/-. The cost shall be deposited with the Punjab & Haryana Bar Clerk's Association.

8. A copy of receipt qua the deposit of such cost shall be furnished before the trial Court at the time of surrender.

9. The petition stands disposed off, in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

13.12.2024

Meenu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No