



CRM-M-63844 of 2024

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

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CRM-M-63844 of 2024
Date of Decision: 20.12.2024

Parvinder Chand

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Naseem A. Sheikh, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 528 of B.N.S.S. for quashing of the order dated 04.03.2022 (Annexure P-2), whereby, the petitioner has been declared proclaimed person.

Learned counsel for the petitioner submits that the impugned order dated 04.03.2022 is inappropriate whereby the petitioner has been declared proclaimed person as he was never served as per law and at the address which is given he is not residing. He further submits that non-appearance of the petitioner before the trial Court on 04.03.2022 is neither intentional nor deliberate and the petitioner is ready and willing to surrender before the trial Court. Moreover, the dispute relating to the FIR in question stands amicably resolved vide written compromise dated 16.09.2024 (Annexure P-3).

Notice of motion.

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab, accepts notice on behalf of respondent No.1-State and he is not

adverse to the submissions made by learned counsel for the petitioner that the

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petitioner is ready and willing to surrender before the trial Court within a period of 10 days from today and undertakes not to default in future.

In light of the above, considering the bona fide before this Court at the request of the petitioner that he is ready and willing to surrender the trial Court and nothing deliberate or intentional on his part but due to the reasons mentioned hereinabove which shows sufficient bona fide on his part. Further, this Court keeping in mind the fact that surrendering of petitioner will facilitate early disposal before the trial Court, I deem it appropriate to allow the present petition.

In view of above, the order dated 04.03.2022 (Annexure P-2) is set aside and the petitioner is directed to surrender before the trial Court within a period of 10 days from today. In case of doing so and if any application for bail is moved, then the same may be considered on that very date in accordance with law.

However, this order shall be subject to payment of Rs.10,000/- as costs to be deposited with the Chandi Kusht Asshram Society, (account No.1445265900) (IFSC Code KKBK0004211), Kotak Mahindra Bank, Sector 46-C Chandigarh whose receipt shall be produced before the trial Court at the time of surrender before the trial Court.

It is made clear that the aforesaid cost is not as a pre-condition for allowing this petition but to compensate as the conduct of the petitioner has caused delay in the trial and has resulted into multiplicity of litigation.

With these observations, the present petition is disposed of.

(SANDEEP MOUDGIL)
JUDGE

20.12.2024
D.Bansal