



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

**CRM-M-1145-2025
DECIDED ON: 13.01.2025**

SHASHI SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vivek Goyal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 for setting aside order dated 29.08.2024 (Annexure P-8) qua the petitioner in a complaint case no. NACT 790 of 2019 dated 15.07.2019 titled as "M/s Sanchit Iron & Coal Company Vs. M/s SS International & Others", since the petitioner has been illegally declared proclaimed person without following the procedure prescribed under section 84 of BNS, 2023 (82 of Cr. PC) and the petitioner be further granted liberty to surrender before the Trial Court.

2. Learned counsel for the petitioner submits that the petitioner was never served with any notice as he is not residing at the given address, however without getting him served bailable or non-bailable warrants were issued against him. Thereafter on 04.05.2024, warrants of arrest issued against the present petitioner has been received back unexecuted, however, publication was issued against the petitioner for 31.05.2024 and again on 29.07.2024. On 29.07.2024 publication issued in the newspaper was duly published but 30 days mandatory period did not elapse and the case was adjourned to 29.08.2024. On 29.08.2024, the petitioner was declared as proclaimed person as he could not appear before the trial Court having not been served properly.

4. It is argued on behalf of the petitioner that there is no intention to subvert the judicial process and the petitioner is ready and willing to surrender before the trial Court to facilitate the progress.

5. Considering the aforesaid submissions made on behalf of the petitioner, this Court taking a lenient view directs the petitioner to surrender before the trial Court on 22.01.2025 the date already fixed before the trial Court.

6. In case, such an application for bail is moved by the petitioner before the learned trial Court on 22.01.2025, the same shall be considered on the same date and decided in accordance with law.

7. 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.

8. There is no denial to the fact that due to petitioner's act, delay has occurred in trial proceedings and has caused prejudice to the other side and to compensate the delay which is caused by the petitioner alone, he is directed to deposit costs of Rs.10,000/- with the Punjab and Haryana High Court Bar Clerks Association 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.

9. The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

13.01.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No