



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

**CRM-M-3138-2025
DATE OF DECISION: 21.01.2025**

GURMUKH KAPOOR ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anmol Puri, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 BNSS for seeking quashing/setting aside of the order dated 19.11.2024 (Annexure P-10) vide which the petitioner has been declared as proclaimed person.

Learned counsel for the petitioner contends that due to an unfortunate accident that happened on 06.10.2024 (Annexure P-6), he could not appear on 08.10.2024 (Annexure P-7) as the Doctor advised him for complete bed rest for next 15 days. Thereafter, the matter was adjourned for 10.10.2024. However, on 08.10.2024 the brother of the petitioner appeared and requested the Court to adjourn the matter beyond 20.10.2024 as he was advised a 15 days bed rest by the Doctor but the Court below adjourned the matter for 10.10.2024 and, therefore, the petitioner could not appear on 10.10.2024. He further submits that non-appearance on the part of the petitioner was neither intentional nor deliberate but was due to the medical ailment. 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, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the counsel for the petitioner that the petitioner 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 one week 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.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Chandi Kusht Ashram Society (Account No.1445265900, IFSC Code: KKBK0004211), Kotak Mahindra Bank, Sector 46-C, Chandigarh 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 in accordance with law.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

21.01.2025
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>