



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

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CRM-M-7086-2025

DATE OF DECISION: 07.02.2025

SONU

..PETITIONER

Versus

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amit Choudhary, Advocate for the petitioner(s).

Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 for quashing of impugned order dated 04.01.2016 (Annexure P-4) passed by JMIC, Hodal in a complaint/protest petition No. 69 dated 04.04.2008 under Section 148, 149, 447, 427, 307, 506 IPC 25 Arms Act titled as "Mahesh Vs. Santraj etc" arising out of FIR No. 249 dated 14.10.2002 under Section 148, 149, 447, 427, 506 and 307 of IPC and Section 25 of Arms Act registered at Police Station Hasanpur, District Palwal, whereby the petitioner has been declared proclaimed person without complying the mandatory provisions of Section 82 of Cr.P.C./85 of BNS.

Learned counsel for the petitioner submits FIR No. 249 dated 14.10.2002 was registered against the petitioner and co-accused person, thereafter, cancellation report was filed in that FIR, against that



protest petition was filed by the complainant in the said FIR which later on got dismissed by CJM, Palwal vide order dated 14.07.2010. Then, complainant has filed revision petition against that dismissal order which was allowed by Additional Sessions Judge Palwal whereby order dated 14.07.2010 passed by CJM, was set aside whereas on 09.11.2012 notice issued to accused No. 2 to 4 received back of refusal and the petitioner along with other co-accused were again summoned through bailable warrantws for 18.11.2013, thereafter, JMIC has issued warrant of arrest against the petitioner and the co-accused and on 30.11.2015 JMIC has issued proclamation against the petitioner and the co-accused persons. The petitioner was declared proclaimed person vide order dated 04.01.2016 noticing that the petitioner along with other co-accused have not appeared before the Court below. He submits that the petitioner did not had 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 7 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.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk Association, 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

07.02.2025
anuradha

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