

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

2025:PHHC:030377



CRM-M-10524-2025

Date of Decision:04.03.2025

AVTAR SINGH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pardeep Kumar Kapila, Advocate
for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

The present petition has been filed under Section 528 of the B.N.S.S for quashing of the order dated 18.12.2019, Annexure P-3, vide which the petitioner has been declared proclaimed offender, by the Sub Divisional Judicial Magistrate, Phillaur, in FIR no. 207, dated 26.07.2018 under Section 21 of Mining and Minerals Regulation Act, 1957 and Section 379 IPC registered at Police Station Phillaur, District Jalandhar Rural, Punjab.

Learned counsel for the petitioner submits that the petitioners have moved an application before the Sessions Judge, Jalandhar and the petitioner was granted ad-interim bail, he also joined the investigation, but, the same has been dismissed by the Session Judge, Jalandhar vide order dated 04.09.2018, Annexure P-2, on the ground that the written complaint of the authorized persons is not required as per the view of Hon'ble the Supreme Court. He further submits that the petitioner do not have any intention to avoid attendance at 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, Mr. Jaspal Singh Guru, AAG Punjab, 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 the counsel and also in appreciation of the fact that surrendering 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 hereby directed to surrender before the trial Court within a period of 10 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 Clerks' 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.

04.03.2025

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**(SANDEEP MOUDGIL)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No