



CRM-M-10075-2025

1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**
134 **CRM-M-10075-2025**
Decided on : 24.02.2025

Balihar Singh**.....Petitioner****Versus****State of Haryana and another****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Sudhir Rana, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J.

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 28.07.2020(Annexure P-2), whereby the petitioner has been declared as proclaimed person, on account of his non-appearance in case CIS-CHI No.852 of 2020.

2. At the very outset, learned counsel for the petitioner submits that the matter has been compromised between the parties. Counsel also submits that there are total three accused in case FIR No. 366 dated 15.08.2019, under Sections 406 and 420 IPC, registered at Police Station, Thanesar Sadar, District Kurukshetra. Out of total three accused, two have approached this Court by filing a petition seeking quashing of FIR on the basis of compromise i.e. CRM-M-25076-2024 (P-7), wherein parties were directed to appear before learned trial Court/Area Magistrate for recording of their statements with regard to the compromise. Counsel for the petitioner

**CRM-M-10075-2025**

2

submits that the third accused i.e. present petitioner was declared as proclaimed person and despite settlement of the dispute, he is unable to appear before the Court for recording his statement with regard to the compromise. Thus, prays for granting of some protection from arrest.

3. Notice of motion.

4. On advance notice, Mr. Kanwar Sanjiv Kumar, AAG, Haryana appears on behalf of respondent /State. Mr. Vishal Thakur, Advocate appears on behalf respondent No.2-Complainant and submits that respondent No.2 has no objection in case the petitioner is protected from arrest for getting recording of the statements with regard to the compromise.

5. I have heard learned counsel for the parties and perused the relevant material on record. It is evident that parties have resolved their dispute, and petitioner is seeking one chance to join the proceedings before the learned Trial Court, by abiding to the terms and conditions.

6. Therefore, granting one opportunity to the petitioner to appear before the trial Court, would serve the ends of justice. This approach would also save considerable time, effort, and resources in ensuring the petitioner's presence.

7. In view of the above, present petition is allowed and impugned order dated 28.07.2020 passed by learned Additional Chief Judicial Magistrate, Kurukshetra is hereby set aside. It is directed that if petitioner on his own appears before the learned trial Court on or before 10.03.2025, he would be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would submit specific undertaking/affidavit that he will keep appearing during the

**CRM-M-10075-2025**

3

proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

8. However, this order shall be subject to the payment of Rs.20,000/- (Rupees twenty thousand only) as costs, to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court. The Trial Court shall also specify the time frame within which such costs will be required to be deposited.

9. Let costs amount be deposited and receipt be shown to the concerned Court by appearing, failing which this order would not be of any advantage to the petitioner, and the present order would become inoperative..

10. Needless to mention here that on compliance of all the conditions mentioned here-in-above, impugned order dated 28.07.2020 (Annexure P-2) and the subsequent orders would become inoperative qua the petitioner.

11. With aforementioned terms, present petition stands disposed of.

24.02.2025

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**(SANJAY VASHISTH)
JUDGE**

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**