



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

**CRM-M-13889-2025
DECIDED ON: 18.03.2025**

SARABJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Krishan Singh Dadwal, 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 of The Bhartiya Nagarik Suraksha Sanhita (BNSS) 2023 with the prayer to quash the First Information Report No. 241 dated 05.11.1997 under sections 307, 34 IPC registered at Police Station Nakodar, District Jalandhar (Annexure P-1), the report under Section 173 Cr.P.C. (Annexure P-2), the charge sheet dated 17.04.1998 (Annexure P-3) and the order declaring the petitioner as a proclaimed offender dated 06.11.2000 (Annexure P-10), as the continuation of the proceedings against the petitioner would be an abuse of the process of law and violative of Section 82 Cr.P.C., keeping in view the judgment passed by the Division Bench in *Sudo Mandal @ Diwarak Mandal us State of Punjab*", 2011 (2) RCR (Criminal) 453.

Learned counsel for the petitioner gives up the prayer for quashing of above-said FIR and confines the present petition for setting aside the order dated 06.11.2000 vide which the petitioner was declared proclaimed offender and is continuing as such. Though he asserts that the statutory period of 30 days has not been complied with while declaring the petitioner as proclaimed offender, but without pressing upon the same, he submits that he has instructions to give an undertaking that the petitioner will surrender before the trial Court within a period of ten days.

He would further assure the Court that the petitioner will facilitate the progress of trial without any hindrance or default in future.

Considering the aforesaid undertaking given by the petitioner as well as the fact that he is suffering from various ailments since a long time, the order dated 06.11.2000 (Annexure P-10) is quashed subject to the compliance of the undertaking given by the petitioner as recorded hereinabove.

This Court is also sanguine of the fact that due to absence may be on account of the reasons, as has been detailed in the petition and submitted before this Court during the course of hearing, the fact remains that trial has been delayed unnecessarily.

As a penalty for causing delay in the judicial process, the petitioner is penalized with a penalty of Rs.20,000/-, which shall be paid to the Punjab & Haryana High Court Bar Association, Chandigarh, a receipt of which shall be produced before the trial Court at the time of surrender.

The petitioner shall surrender before the trial Court within a period ten days from today and in case he moves an application seeking regular bail, the same be considered by the Court below preferably on that very day in accordance with law.

The amount so deposited by the petitioner shall not be construed as cost but penalty for stalling the court proceedings by evading himself from trial for a long time.

The petition stands disposed off in the aforesaid terms.

18.03.2025

Meenu

(SANDEEP MOUDGIL)
JUDGE

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