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

**CRM-M-14504-2025
DECIDED ON: 18.03.2025**

KULDEEP KUMAR ALIAS BHEEMA**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Manoj R. Sharma, 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 BNSS, 2023 for quashing of the order dated 21.02.2025 (Annexure P-9) vide which the petitioner has been declared as proclaimed person in FIR No.22 dated 23.04.2019 under Sections 61, 1, 14 of Punjab Excise Act, registered at Police Station Tibber, District Gurdaspur.

Learned counsel for the petitioner submits that the petitioner was regularly appearing before the trial Court, but on 14.10.2024, he could not appear as he was in custody in another FIR No.56 dated 13.06.2024 under Sections 328 of IPC and 61, 1, 14 of Excise Act, 1914, registered at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur. However, the trial Court did not consider this aspect and cancelled the bail bonds and surety bonds of the petitioner and issued non-bailable warrants against him. Thereafter the petitioner was declared as proclaimed person vide order dated 21.02.2025. He therefore, asserts that the absence of the petitioner before the trial Court is neither

intentional, nor deliberate, but due to circumstances which were beyond his control.

Learned counsel for the petitioner having instructions would submit before this Court that the petitioner is ready and willing to join the trial proceedings and will surrender before the trial Court within a period of ten days.

In the light of above, the order dated 21.02.2025 (Annexure P-9) is hereby quashed subject to the undertaking given on behalf of the petitioner.

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.10,000/-, which shall be paid to the Punjab & Haryana High Court Bar Clerk's 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.

(SANDEEP MOUDGIL)
JUDGE

18.03.2025

Meenu

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