



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

**CRM-M-14979-2025
DECIDED ON: 20.03.2025**

SANJEEV KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. M.K. Dhot, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 528 of BNSS 2023, with the prayer to quash the order dated 04.10.2024, (Annexure P-2) passed by the Ld. Court of Sh. Balwinder Kumar, Additional Session Judge, Sangrur in criminal appeal no. i.e. CRA/71/2020 dated 24. 02.2020, titled as "*Sanjeev Kumar versus Thutha Singh*" whereby the order regarding suspension of sentence and bail order of the appellant/petitioner has been cancelled and intimation sent to the trial for issuance of conviction warrants of appellant/petitioner keeping in view the peculiar facts and circumstances set out in present petition.

The learned counsel for the petitioner submits that the petitioner unable to appear on 04.10.2024 (Annexure P-2) due to sudden illness of his

mother on that day itself, the Court below has cancelled the suspension of sentence and bail order of the petitioner and also issued the conviction warrants against him. He therefore, asserts that his absence before the Court below 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 proceedings of appeal and will surrender before the Court below.

In the light of above, the order dated 04.10.2024 (Annexure P-2) 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 the judicial process have been delayed.

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 Employees Welfare 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 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 for this order 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.

20.03.2025

(SANDEEP MOUDGIL)
JUDGE

Meenu

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