



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

134

CRM-M-15927-2025
DATE OF DECISION: 24.03.2025

BALVIR SINGH

...PETITIONER

Versus

STATE OF PUNJAB AND ANR

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Dhruvwinder Brar, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Neeraj Januha, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 for quashing of order dated 16.07.2018 (Annexure P-3) in case/FIR No. 458 dated 26.12.2014 for offence Under section 384, 506, 188, 120-B of IPC and Section 52-A of Prison Act registered at Police Station Kotwali, District Bathinda (Annexure P-1) wherein the proclamation has been made against the petitioner by the court of CJM, Bathinda alongwith all consequential proceedings arising thereto.

Learned counsel for the petitioner submits that during the trial, the petitioner had to leave India on 12.02.2018 due to poor financial condition of his house. He submits that on 17.12.2018, all the co-accused of the petition were acquitted and out of which one co-accused died during trial, whereby the petitioner was in abroad so, could not appear and was declared proclaimed offender, however, the



petitioner was not aware about this fact. He submits that the petitioner did not had any intention to avoid attendance in 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, learned State Counsel 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 learned counsel and also in appreciation of the fact that it 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 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.20,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk Association 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 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 instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

24.03.2025
anuradha

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