



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

**CRM-M-18655-2025
DECIDED ON: 04.04.2025**

RAMAN KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking setting aside the order dated 22.08.2017 (Annexure P-2), vide which, the petitioner was declared proclaimed absconder in FIR No.241 dated 15.12.2016, under Sections 420, 506 of Indian Penal Code 1860 registered at Police Station City South, Moga, District Moga (Annexure P-1).

Learned counsel for the petitioner contends that an FIR was registered against the petitioner on 15.12.2016 in relation to cheque No. 977235 from Oriental Bank of Commerce. However, during the course of events, the matter was resolved through a compromise, and as a result, the petitioner became negligent, relying on assurances from respondent No. 2 that he will get the FIR canceled. Due to this assumption, the petitioner failed to appear, leading to his declaration as a proclaimed absconder vide order dated 22.08.2017. Additionally, respondent No. 2 had filed complaint No. RBT80 on 16.07.2016 under Section 138 of the Negotiable Instruments Act concerning the same cheque. As the petitioner was abroad, he was declared a proclaimed absconder in connection with this complaint. The matter remained unresolved due to the lack of a written compromise, thereafter, Respondent No. 2 executed an affidavit regarding the same. According to the affidavit, respondent No. 2 has decided not to pursue the FIR against the petitioner and has no objection to the quashing of the said FIR. On 15.10.2022, respondent No. 2 made a statement in Court indicating

that he does not want to pursue the case against the petitioner, as the matter had been resolved through compromise, and accordingly withdrew the complaint.

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, Mr. Jaspal Singh Guru, AAG, Punjab 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.

In view of the above, 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.

There is no denial to the fact that due to petitioner's act, delay has occurred in trial proceedings and has caused prejudice to the other side and to compensate the delay which is caused by the petitioner alone, he is directed to deposit costs of Rs.10,000/- with the Punjab and Haryana High Court Bar Clerks 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.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

04.04.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No