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

CRM-M-21648-2025**DATE OF DECISION: 25.04.2025****GURJANT SINGH****...PETITIONER****Versus****STATE OF PUNJAB****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. C.S. Jattana, Advocate for
Mr. Kamal Chaudhary, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Ankur Jain, 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 27.01.2025 (P-3) passed by Judicial Magistrate Ist Class, Patti, whereby the petitioner has been declared a proclaimed offender in case FIR No. 04 dated 19.01.2024 registered u/s 302, 34 of IPC & Section 25 & 27 of Arms Act, Police Station Valtaha, Taran Taran, Punjab (Annexure P-1).

Learned counsel for the petitioner submits that since the petitioner was not named in the FIR and never summoned or arrested by the police and no proper procedure was being followed before declaring the petitioner proclaimed offender vide order dated 27.01.2025. 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 impugned order dated 27.01.2025 (Annexure P-3) is quashed qua the petitioner, and he 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.15,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk Association, Chandigarh 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

25.04.2025
anuradha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No