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

CRM-M-20513-2025

Date of Decision: **16.04.2025**

Jaskaran Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vimal Kumar Gupta, Advocate, for the petitioners.

Mr. Vipul Sherwal, AAG, Haryana.

SANDEEP MOUDGIL, J. (ORAL)

1. The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 for quashing of impugned order dated 30.01.2024 (Annexure P-6), passed by learned Judicial Magistrate Ist Class, Gurugram vide which the bail of the petitioner has been cancelled and warrant of arrest were issued against the petitioner and further prayer has been made for quashing of the impugned order dated 07.04.2025 (Annexure P-11) vide which the petitioner has been declared proclaimed person in case NACT/5360/2022 dated 28.02.2022 (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner is suffering from abnormal mild deffuse encephalopathy (Annexure P-3) as per his electroencephalogram record since 2021, which refers to a condition where brain dysfunction, characterized by altered mental state, effects the entire brain, rather than a specific area and can by various factors like cardiac arrest, epilepsy or metabolic issues. Due to suffering from the above mentioned disease petitioner could not appear before the trial Court on 30.01.2024 and his bail was cancelled and bail/surety bonds were forfeited to the State and he

was summoned through non-bailable warrants and later on he was declared proclaimed person.

3. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

4. Notice of motion.

5. On the asking of the Court, Mr. Vipul Sherwal, AAG, Haryana 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.

6. In view of the above, the petitioner is directed to surrender before the trial Court within a period of 07 days from today and apply for regular bail.

7. 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.

8. 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.

9. 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.5,000/- 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.

10. The instant petition is disposed of in the aforesaid terms.

16.04.2025

Parveen kumar

(SANDEEP MOUDGIL)
JUDGE

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