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

**CRM-M-21139-2025
DECIDED ON: 24.04.2025**

SUMIT KUMAR**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Vinay Puri, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 seeking quashing of the orders dated 07.09.2022 and 08.08.2023 (Annexures P-3 & P-5 respectively) passed by the Court of Additional Chief Judicial Magistrate, Jalandhar in FIR No.159 dated 30.10.2019 under Sections 336 of IPC and Sections 25 & 27 of Arms and Section 67 of Information and Technology Act, registered at Police Station Sadar, Jalandhar, vide which non-bailable warrants against the petitioner has been issued and he has been declared as proclaimed person.
2. In the instant case, the petitioner time and again failed to put in appearance despite issuing summons, bailable/non-bailable warrants thereafter.
3. Learned counsel for the petitioner though at the outset without contesting the orders dated 07.09.2022 and 08.08.2023 (Annexures P-3 & P-5 respectively) on merits undertakes to surrender before the trial Court within a period of ten days.

4. Notice of motion.

5. Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State and not averse to the undertaking given on behalf of the petitioner.

6. Without addressing the merits of the case or the legality of the order, as the same has not been contested by the learned counsel for the petitioner, who has voluntarily agreed to join the proceedings before the trial court and to pay Rs. 20,000/- to the Chandi Kusht Asshram Society, (account No.1445265900) (IFSC Code KKBK0004211), Kotak Mahindra Bank, Sector 46-C Chandigarh for causing unwarranted delay in the trial proceedings, the orders dated 07.09.2022 and 08.08.2023 (Annexures P-3 & P-5 respectively) are hereby set aside.

7. However, the aforesaid order would be subject to fulfillment of undertaking given before this Court on behalf of the petitioner that he will surrender before the trial Court within a period of ten days. In case, the petitioner moves any application seeking regular bail is moved, the same be considered by the Court below preferably on that very day in accordance with law.

8. 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.

9. The petition stands disposed off in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

24.04.2025

Meenu

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