



138

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

**CRM-M-22534-2025
DECIDED ON: 29.04.2025**

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

Present: Mr. Deepak Arora, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for quashing of order impugned dated 24.02.2025 Annexure P-5 passed in Criminal appeal bearing No. CRA-388-2018 by Ld. Additional Sessions Judge, Hoshiarpur w.r.t case NACT 633 dated 8.12.2014 decided on 29.9.2018 (Annexure P-2) vide which order on account of the absence of petitioner, Ld. Addl. Sessions Judge, Hoshiarpur had issued the non bailable warrants of the petitioner; whereas, in the given case, petitioner was already putting appearance in the aforesaid matter and only on account of the fact that the petitioner was not aware about the exact date in the given case; since the petitioner was earlier confined in some criminal matter therefore his absence in the given date was totally unintentional and there was no malafide in not putting appearance before the Court concerned and therefore the petitioner has sought the indulgence of this.

Learned counsel for the petitioner submits that the petitioner could not appear on 24.02.2025 as he was in custody and was not properly aware about the proceedings of the given case and therefore, his absence before the trial Court is neither intentional nor deliberate.

Learned counsel for the petitioner though at the outset without contesting the order dated 24.02.2025 Annexure P-5 on merits undertakes to join the trial proceedings within ten days.

Notice of motion.

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.

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 a penalty of Rs. 25,000/- to the Punjab & Haryana High Court Employees's Welfare Association for causing unwarranted delay in the trial proceedings, the order dated 24.02.2025 Annexure P-5 is hereby set aside.

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. In case, if any application seeking bail is moved by the petitioner, the same be considered by the Court below preferably on that very 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 petition stands disposed off in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

29.04.2025

Meenu

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