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

CRM-M-22819-2025 (O&M)

Date of decision : 05.05.2025

Deepak Kumar @ Deepu

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rohit Joshi, Advocate for the petitioner.

HARPREET KAUR JEEWAN, J. (Oral)

1. Petition under Section 528 of the BNSS, 2023 has been filed for quashing of impugned order dated 23.10.2024 (Annexure P-26), passed by learned Additional Sessions Judge, Hoshiarpur, whereby, petitioner has been declared as a proclaimed offender and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner contends that petitioner was granted regular bail by learned Additional Sessions Judge, Hoshiarpur vide order dated 21.01.2020 and thereafter, he had been regularly appearing before learned trial Court. However, due to the outbreak of Covid-19 Pandemic in March, 2020, the matter was adjourned from time to time and ultimately, the petitioner left the country in the month of November, 2021. Now, learned trial Court has declared the petitioner as a proclaimed offender vide order dated 23.10.2024, without following due procedure under Sections 82 and 84 of BNSS and without service of warrants as the petitioner was out of country. Hence, in the aforementioned facts and circumstances, the petitioner be protected till his appearance before the learned trial Court, and directions be given to the trial Court that his application of bail, which he would be filing on his surrender, be decided expeditiously.

3. Notice of motion to respondent No.1 only.



4. On the asking of the Court, Ms. Ramita Chowdhary, DAG, Punjab, who is present in the Court accepts notice on behalf of respondent No.1-State.

5. In view of the limited prayer made by the learned counsel for the petitioner, the instant petition is disposed of with directions to the petitioner to appear and surrender before the trial Court within 10 days from today. Till then, no coercive steps be taken against the petitioner. Since, the petitioner has evaded the Court proceedings for a long time, though initially on account of the Covid-19 Pandemic, in order to compensate the complainant, it is hereby ordered that this order shall be subject to payment of costs of Rs.50,000/- to be paid to the complainant-respondent No.2, which shall be a condition precedent.

6. In case, on appearance and surrender within 10 days from today, the petitioner moves an application for bail/suspension of sentence, the trial Court shall make earnest efforts to decide it expeditiously, in accordance with law.

7. In case there is a failure on the part of the petitioner, this order shall remain automatically vacated and learned trial Court shall be at liberty to proceed as per law.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

05.05.2025

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Whether speaking / reasoned :

[HARPREET KAUR JEEWAN]

JUDGE

Yes

No

Whether Reportable :

Yes

No