



CRM-M-25744-2025

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

CRM-M-25744-2025**DATE OF DECISION: 19.05.2025****RAJAN SHARMA****.....PETITIONER****Vs.****STATE OF PUNJAB AND ANOTHER****.....RESPONDENTS****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Autl Goyal, Advocate,
 for the petitioner.

***********HARPREET KAUR JEEWAN, J. (ORAL)**

1. Petition under Section 528 of the '*Bharatiya Nagarik Suraksha Sanhita*', 2023 has been filed for quashing of the impugned orders, dated 14.02.2025 (Annexure P-4), passed by learned Judicial Magistrate Ist Class, Ludhiana, whereby the bail of the petitioner was cancelled, the order dated 18.04.2025 (Annexure P-11), whereby the petitioner has been declared as a Proclaimed Offender, in case FIR No. 208, dated 26.09.2021, under Sections 323, 341, 451, 506, 147 and 149 IPC, registered at Police Station Model Town, District Ludhiana, and all consequential proceedings arising therefrom, as well as, the order dated 03.05.2025 (Annexure P-12), whereby the revision petition filed by the petitioner against the order dated 18.04.2025 (Annexure P-12) has been dismissed by the learned Additional Sessions Judge, Ludhiana.

2. Learned counsel for the petitioner contends that all the offences in the present case are 'bailable offences' and the petitioner was granted regular bail by learned trial Court, vide order dated 27.07.2022



(Annexure P-2) and thereafter, he had been regularly appearing before learned trial Court. However, on 31.01.2025 (Annexure P-3) when the matter was adjourned for 14.02.2025, the petitioner, inadvertently noted down a wrong date as 24.02.2025 instead of 14.02.2025 and therefore, he could not appear on 14.02.2025 before the trial Court. On that date, the bail of the petitioner was cancelled. Thereafter, the matter was adjourned from time to time and ultimately, the learned trial Court had declared the petitioner as a Proclaimed Offender, without following due procedure under Section 84 of BNSS. 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.

On the asking of the Court, Ms. Ramta Chowdhary, D.A.G., Punjab, who is present in the Court accepts notice on behalf of respondent No.1-State.

4. In view of the facts of the present case, this Court feels that issuance of notice to respondent No. 2 would unnecessarily delay the proceedings, as such, issuance of notice to respondent No. 2 is dispensed with.

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 on so many dates before the trial Court, it is hereby ordered that this order shall be subject to payment of costs of ₹10,000/- 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, 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. It is, however, made clear that if any facts stated by the petitioner are found to be against the record, concealed or misleading, respondent No. 2-complainant would be at liberty to file an appropriate application for recalling of this order.

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

MAY 19, 2025
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking

Yes/No

Whether Reportable

Yes/No