



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

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**CRM-M-25713-2025
DATE OF DECISION: 12.05.2025**

SANDEEP KUMAR @ PALA**...PETITIONER****Versus****STATE OF PUNJAB****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Ms. Ramandeep Kaur, Advocate for the petitioner(s).
(through Hybrid Mode)

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of Bhartiya Nagrik Suraksha Sanhita for quashing of Order dated 18.12.2019 (Annexure P-3) passed by Chief Judicial Magistrate, Gurdaspur vide which the petitioner has been declared as proclaimed person in FIR No.38 dated 21.04.2018, under Sections 323,324,452,427,148,149 I.P.C. 1860, Police Station Dhariwal, District Gurdaspur, (Annexure P-1) which is pending before the Court of Chief Judicial Magistrate Gurdaspur for 03.06.2025.

Learned counsel for the petitioner submits that while passing the impugned order, CJM, Gurdaspur has failed to appreciate the fact that on dated 02.08.2018, the petitioner had gone to Dubai where he is working as Brick Mason and till today, he is residing in Dubai and



never came back to India which is clearly proved from the copy of Passport of the petitioner which is annexed as Annexure P-4. She further submits that compliance to Sections 82 and 83 of the Cr.P.C. has not been made as ASI Harbhajan Singh on 18.11.2019 went to the village but he did not verify from the villagers about petitioner's whereabouts. He further submits that the petitioner did not had any intention to avoid attendance in the Court proceedings. She undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, learned State Counsel 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.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of 10 days from today and apply for regular bail.

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.

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.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of 3000 UAE Dirham to be deposited with the Punjab and Haryana High Court Bar 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 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.

Hence, the impugned order dated 18.12.2019 (Annexure P-3) passed by Chief Judicial Magistrate, Gurdaspur vide which the petitioner has been declared as proclaimed person is set aside and the instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

12.05.2025

anuradha

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