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

**CRM-M-27860-2025
DECIDED ON: 21.05.2025**

SUNNY KUMAR**.....PETITIONER**

VERSUS

STATE OF PUNJAB**.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Anupreet Singh Sidhu, Advocate with
Ms. Chandanpreet Kaur Ahluwalia, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS 2023 for setting aside the order dated 19.07.2024 (Annexure P-7) passed by Judicial Magistrate 1st Class, Patiala, whereby the petitioner has been declared as proclaimed person in case FIR No.12 dated 17.01.2021 registered under Sections 307, 458, 324, 323, 506, 148, 149 of IPC, 1860 (Section 307 of IPC has been deleted later on) at Police Station Tripri Patiala, District Patiala.

Learned counsel for the petitioner submits that the petitioner was granted the anticipatory bail vide order dated 27.07.2021 (Annexure P-1) passed by this Court thereafter the supplementary challan has been presented against the petitioner and a notice was issued to him. He further submits that no notice was even received by the petitioner after presenting the challan and thereafter vide order dated 25.07.2023 bailable warrants against the petitioner has been issued and the case was adjourned for 12.09.2023. On 12.09.2023, non-bailable warrants have been issued and thereafter vide order dated 19.07.2024 (Annexure P-7) the petitioner was declared proclaimed person.

Learned counsel for the petitioner though at the outset without contesting the order dated 19.07.2024 (Annexure P-7) on merits undertakes to join the trial proceedings within ten days.

Notice of motion.

Mr. Jasjit Singh Rattu, DAG 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. 20,000/- which shall be deposited with Punjab & Haryana High Court Employees' Welfare Association for causing unwarranted delay in the trial proceedings, the order dated 19.07.2024 (Annexure P-7) is hereby set aside. A receipt qua deposit of cost shall be furnished at the time of surrender before the trial Court.

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 ten days. 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

21.05.2025

Meenu

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*