



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

**CRM-M-29811-2025
DECIDED ON: 29.05.2025**

GAJRAJ SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Manoj K. Pundir, Advocate and
Mr. Aditya Partap Singh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS for quashing of impugned order dated 16.04.2025 (Annexure P-10) passed by Ld. Judicial Magistrate, Ist Class, Hisar in FIR No. 820 (Annexure P-1), dated 12.08.2017, U/s 406, 420, 120-B of IPC (Section 170, 177 of IPC were added later on), registered at P.S. Sadar Hisar, District Hisar, vide which the petitioner has been declared as a proclaimed person as well all consequential proceedings arising therefrom, being illegal, false, arbitrary and against the principle of natural justice and the mandatory provision of 82 of Cr.P.C. has not been followed by the Ld. Trial Court while declaring the petitioner as Proclaimed Person.

Learned counsel for the petitioner submits that the petitioner had been regularly appearing before the trial Court on each and every date of hearing. However, on 04.01.2024, the Presiding Officer was on leave, and the case file was unexpectedly taken up on 03.01.2024 instead. The matter was adjourned to

07.06.2024, but the said date was never communicated to the petitioner or his counsel. At that time, the petitioner was in poor health, having suffered a paralytic stroke, and was under medical treatment with strict advice for complete bed rest and to avoid travel. Consequently, he was unable to appear before the trial Court on 07.06.2024, leading to the cancellation of his bail and forfeiture of bail bonds to the State. Thereafter, he remained absent and was declared a proclaimed person. It is submitted that the absence of the petitioner was neither intentional nor deliberate, but was due to unavoidable and compelling medical circumstances beyond his control.

Learned counsel for the petitioner though at the outset without contesting the order dated 16.04.2025 (Annexure P-10) on merits undertakes to join the trial proceedings within ten days.

Notice of motion.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana 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 compensatory penalty of Rs. 10,000/- to the Punjab & Haryana High Court Bar Clerk's Association for causing unwarranted delay in the trial proceedings, the order dated 16.04.2025 (Annexure P-10) 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 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

29.05.2025
Meenu

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