



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

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**CRM-M-30724-2025
DATE OF DECISION: 29.05.2025**

LAKHWINDER SINGH**...PETITIONER****Versus****STATE OF PUNJAB****... RESPONDENT****CORAM: HO MR. JUSTICE SANDEEP MOUDGIL**

Present: Ms. Amarjeet Kaur, Advocate for
Mr. Sukhbir Maandi, Advocate for the petitioner(s).

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

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 BNSS, 2023 for quashing of Order dated 11.10.2024 (Annexure P-5) passed by Ld. Judicial Magistrate 1 Class, Ajnala District Amritsar in case FIR No. 36, dated 04.04.2018, u/s 379, 409 IPC 1860 and 21 of Mines and Minerals (Regulation of Development) Act, 1957 and section 13A of Punjab Village Common Land Regulation Act, 1961, Police Station Lopoke, District Amritsar (Rural) (Annexure P-1) whereby the petitioner has been declared as Proclaimed Person.

Learned counsel for the petitioner submits although the petitioner was appearing on each and every date of hearing but on one day i.e. 21.03.2024, he could not appear before the Trial Court and the Trial Court issued non-bailable warrants of arrest and initiated PO proceedings against him. She submits that the petitioner did not had any



intention to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. 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 Rs.10,000/- as compensatory penalty to be deposited with the Punjab and Haryana High Court Bar Clerk 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 compensatory penalty for stalling the court proceedings by evading himself from trial for a long time.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

29.05.2025
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>