



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

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**CRM-M-34155-2025
DATE OF DECISION: 07.07.2025**

JAGDISH KUMAR**...PETITIONER**

Versus

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

Present: Mr. N.K. Ganga, Advocate for the petitioner(s).
Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 582 of Bharatiya Sukraksha Sanhita 2023 (BNSS) for setting aside the P.O. order dated 28.04.2025 (P-1) and quashing of the FIR No.216 dated 27.05.2025 (Annexure P-2) Under Section: 209 BNS old section 174-A of Indian Penal Code, 1860 Police Station Civil Line Sirsa and all the subsequently proceeding arising from the main case (NACT-1540 of 2021) order dated 28.04.2025, in the interest of justice.

Learned counsel for the petitioner submits that the respondent No.2 has filed a criminal complaint under Section 138 of NI Act but the petitioner was having no knowledge about the pendency of the complaint as no notice was ever served upon the petitioner rather the petitioner came to know about when a police officer gave a telephonic message. Thus, the petitioner was wrongly declared as proclaimed offender. He submits that the petitioner did not



had any intention to avoid attendance in the Court proceedings. He 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 order dated 28.04.2025 (Annexure P-1) and subsequent proceedings (Annexure P-2) is hereby set aside and the petitioner is directed to surrender before the trial Court within a period of ten 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.15,000/- as compensatory penalty to be deposited with the Chandi Kusht Ashram Society, (account No.1445265900) (IFSC Code KKBK0004211), Kotak Mahindra Bank,



Sector 46-C 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

07.07.2025
anuradha

Whether speaking/reasoned : *Yes/No*
Whether reportable *:* *Yes/No*