



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

158

CRM-M-35005-2025
DATE OF DECISION: 07.07.2025

BEANT SINGH**...PETITIONER**

Versus

STATE OF PUNJAB AND ANR.**... RESPONDENTS****CORAM: HO MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Sahil Soi, Advocate for the petitioner(s).
Mr. Jastej Singh, Addl. A.G, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of the P.O. order dated 27-1-2025 Annexure P-4 passed in case F.I.R no. 132 dated 2-12-2019 under sections 279, 337, 338, 427 of Indian Penal Code, 1860 registered in Police Station Lambran District Jalandhar Rural passed by Ms. Savreen Sandhu, Judicial Magistrate First Class, Jalandhar as the same has been passed in violation of Section 84 of BNSS as the from the report on proclamation it is very much clear that the petitioner was not residing at the given address.

Learned counsel for the petitioner submits the petitioner could not appear in Court since he was not aware about the procedure of trial and he being driver by profession could not appear in the Trial Court, moreover, when the Trial Court came to know that the



petitioner is not living at the address mentioned, even then the Trial Court declared the petitioner 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 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

07.07.2025
anuradha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No