



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

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CRM-M-39426-2025

Date of decision: 24.07.2025

IRFAN ALIAS KANJA

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sanyam Khetarpal, Advocate
for the petitioner.

Mr. Sushil Bhardwaj, Addl. AG, Haryana.

SANDEEP MOUDGIL, J.(ORAL)

The present petition has been filed under Section 528 BNSS seeking quashing of FIR No.67 dated 30.01.2020 (Annexure P-5) under Sections 174-A IPC, registered at Police Station Ballabgarh Sadar, District Faridabad and order dated 14.01.2020 (Annexure P-4) whereby the petitioner has been declared as proclaimed person in FIR No.14 dated 08.01.2019 under Section 42 of Prisoners Act, 1894, registered at Police Station Ballabgarh Sadar, District Faridabad.

Learned counsel for the petitioner submits that the petitioner was granted concession of anticipatory bail vide order dated 15.05.2019 by learned Sessions Judge, Faridabad and was directed to join the investigation. However, he did not join the investigation in FIR No.14 dated 08.01.2019 as he was not aware of any such proceedings against him and his non-

appearance was unintentional and learned Judicial Magistrate First Class, Faridabad declared the petitioner a proclaimed person with a direction to the concerned SHO to register an FIR under Section 174-A IPC, in compliance of which an FIR No.67 dated 30.01.2020 (Annexure P-5) under Sections 174-A IPC, registered at Police Station Ballabgarh Sadar, District Faridabad has been registered against him. 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, Mr. Sushil Bhardwaj, Addl. AG, Haryana 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, impugned order dated 14.01.2020 (Annexure P-4) and FIR No.67 dated 30.01.2020 (Annexure P-5) under Section 174-A IPC, registered at Police Station Ballabgarh Sadar, District Faridabad are set aside and the petitioner is directed to surrender before the trial Court within a period of two weeks 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 cost 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

24.07.2025

Nisha Yadav

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No