

2025:PHHC:110127



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

Sr. No.136

**CRM-M-41271-2025(O&M)**  
**Date of decision: 21.08.2025**

Monu Kumar

..... Petitioner

VERSUS

State of UT Chandigarh

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. H.S. Rakhra, Advocate and  
Mr. S.K. Nehra, Advocate, for the petitioner.

Mr. Rahil Mahajan, Addl. PP UT Chandigarh.

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**SANDEEP MOUDGIL, J. (ORAL)**

1           The jurisdiction of this Court has been invoked under Section 528 of BNSS 2023 for quashing of order dated 16.4.2025 Annexure P-6 passed by the learned JMIC, Chandigarh vide which the petitioner has been declared proclaimed person and also quashing all consequential proceedings arising thereto qua the petitioner in FIR No.59 dated 11.06.2016 U/S 323, 325, 341, 147, 148, 149, 341 & 506 IPC registered at P.S. Sarangpur, Chandigarh.

2.           Learned counsel for the petitioner confines his prayer to quashing of order dated 16.4.2025 (Annexure P6) submits the petitioner could not appear in Court on one date i.e. 22.01.2025 due to noted wrong date, therefore, the Trial Court cancelled the bail of the petitioner and issued non-bailable warrants of arrest and subsequently he was declared proclaimed person vide order dated 16.4.2025. He submits that the petitioner did not had

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any intention to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

3. Notice of motion.

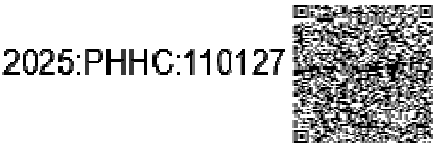
4. On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

5. 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 16.4.2025 is set aside and the petitioner is directed to surrender before the trial Court within a period of 10 days from today and apply for regular bail.

6. 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.

7. 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.

8. The aforesaid order/concession to the petitioner shall be subject to payment of Rs.20,000/- 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.

9.           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.

10           The instant petition is disposed of in the aforesaid terms.

              Pending miscellaneous application(s), if any, also stands disposed of.

(SANDEEP MOUDGIL)  
JUDGE

21.08.2025  
Ramandeep Singh

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|-----------------------------|----------|
| Whether speaking / reasoned | Yes / No |
| Whether Reportable          | Yes/ No  |