



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

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CRM-M-59881-2024

Date of decision: 10.02.2025

Fateh Singh Through SPA holder**.....Petitioner****Versus****State of Haryana and Anr****.....Respondents****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Dr. Deepak Jindal, Advocate and

Ms. Supriya Arora, Advocate for the petitioner.

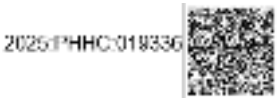
SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS 2023 for quashing of FIR No.0183 dated 06.06.2016 under Sections 148,149,285 IPC registered at P.S P.S Nissing District Karnal as well as order dated 29.10.2019 (Annexure P-4) and order dated 13.10.2023 (Annexure P-5) passed by learned Chief Judicial Magistrate, Karnal whereby the petitioner has been declared as Proclaimed Person with the observation that the file be consigned to the record room after due compliance with a note in red ink that since petitioner has been declared "Proclaimed Person" in this case, the record of the case be kept intact as it may be restored as and when the presence of the petitioner is secured.

Learned counsel for the petitioner confines his prayer to the impugned order dated 29.10.2019, declaring the petitioner as proclaimed person. He submits the petitioner had gone abroad for doing job before registration of the FIR. No notice was ever sent to the petitioner. Petitioner was unaware of the proceedings. Vide order dated 02.08.2018, bail of the petitioner was cancelled and his bail bonds forfeited to the State. His presence was secured through warrants of arrested for 14.12.2018. On 29.10.2019, trial Court declared the petitioner as proclaimed person in the abovesaid FIR and vide order dated 13.10.2023, co-accused i.e Raj Kumar, Parveen and Sushil have been acquitted of the charges. Learned counsel for the petitioner undertakes to surrender before the trial Court.

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 taking note of the facts 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 6 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 costs of 4500 Euro (Purtugal) 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 instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

10.02.2025
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- 1. Whether speaking/ reasoned : Yes /No
- 2. Whether reportable : Yes /No