



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

CRM-M-63715-2024

Date of decision: 13.01.2025

Suresh Kumar @ Suresh Kharangra

.....Petitioner

Versus

State of Haryana & Anr

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kushagra Beniwal, Advocate for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS 2023 for quashing of order dated 19.10.2006 (Annexure P-4) passed by learned JMIC, Karnal in FIR No. 653 dated 07.07.1998 under Section 379 IPC registered at P.S City Karnal, District Karnal and all subsequent proceedings arising after passing of order dated 19.10.2006.

Learned counsel for the petitioner submits the petitioner could not appear in Court on one date i.e. 14.05.2004 due to certain unavoidable circumstances. He left for Rome (Europe) in the year 2004 and thereafter went to London, United Kingdom. He is stated to be residing in London with his wife and two daughters now. The Trial Court cancelled the bail of the petitioner and issued non-bailable warrants of arrest. Vide order dated 19.10.2006, the petitioner has been declared as proclaimed offender by the trial Court. He submits that the petitioner did not had 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.



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 costs of 3600 UK pounds to be deposited with the Chandi Kusht Asshram 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 instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

13.01.2025
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- 1. Whether speaking/ reasoned : Yes /No
- 2. Whether reportable : Yes /No