



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

107

CRR-125-2025 (O&M)
Date of decision: 18.01.2025

Dimple Kumar

.....Petitioner

VERSUS

State of Punjab and Anr

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kamaldip Singh Sidhu, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

CRM-1801-2025

Prayer in instant application filed under Section 5 of the Limitation Act is for condonation of 169 days delay in filing the prevision revision petition.

For the reasons indicated in the application, which is supported by an affidavit, the same is allowed and delay of 169 days in filing the revision petition is condoned.

CRR No.125 of 2025

Prayer in the instant criminal revision filed under Section 442 of BNSS, 2023 is for setting aside impugned order dated 18.05.2024 passed by learned JMJC, Bathinda whereby the petitioner has been declared proclaimed offender in a complaint I.e CIS No.COMA-2120-2021 titled as M/s Coromandel International Ltd Vs. M/s Hanuman Pesticides filed under Section 138 of NI Act by the respondent-complainant.



Learned counsel representing the petitioner submits that though exemption application could not be filed due to communication gap with his counsel and the petitioner was unable because of compelling circumstances to attend the court on 15.02.2024 since his 72 years old father suffering from brain cancer unfortunately passed away on 13.02.2024. Copy of the Death Certificate is annexed as Annexure P-1.

Considering the aforesaid facts and circumstances, this Court is duly convinced and concludes to infer that absence of the petitioner before the trial Court was neither intentional nor deliberate but for bonafide reasons and on that account, it would be harsh and unjust to initiate proceedings vide which he has been declared proclaimed offender on 15.02.2024 and thereafter list of properties have been sought under the provisions of Section 83 Cr.P.C against him.

In the light of above, order dated 18.05.2024 is quashed and as undertaken by learned counsel for the petitioner, the petitioner shall surrender before the trial Court within 10 days from today and in case any application for bail is moved by him, the same may be considered preferably on the same date 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.

In the aforesaid terms, petition stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

18.01.2025
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1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No