



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

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**CRM-M-3001-2025
Decided on : 21.01.2025**

Sushil Malik @ Sushil Kumar

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Mukesh Mehra, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. By way of present petition filed under Section 528 of BNSS, 2023, petitioner is seeking quashing of order dated 26.09.2024 (Annexure P-2), passed by learned Judicial Magistrate Ist Class (JMIC), Karnal, vide which, the petitioner has been declared as 'Proclaimed Person' in case FIR No.80, daed 27.01.2022, under Sections 379, 420 of IPC, registered at Police Station Karnal Sadar, District Karnal.

2. He further submits that now the dispute between the petitioner and the complainant has already been compromised and in the main case, a compromise quashing petition has already been instituted before this Court, which is now pending consideration for 28.02.2025. Since the statements are required to be recorded before the learned Trial Court/Illaq Magistrate, but in view of the warrants of arrest having been issued against the present petitioner, he is unable to appear before the Court concerned for recording statement *qua* the factum of compromise.

3. He further contends that, if one opportunity is granted to the petitioner to appear and then to grant him bail, subject to payment of some

cost, he undertakes that in all the future proceedings of the present case, he will never be absent on any of date when proceeding is fixed, except on obtaining prior permission from the Court and he will fully cooperate for early disposal of the trial.

4. Heard.

5. Considering the aspect that the dispute between the petitioner and the complainant(s)/victim(s), as stated, has already been resolved and also that the petitioner himself has come forward to surrender himself to join the process of law, it would be apt to accept the request of the petitioner to allow him to appear before the concerned Court and then enable him to take appropriate steps in regard to the quashing of the proceedings, if at all, permitted under the law.

6. This Court is also of the view that paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigations, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.

7. Therefore, in the totality of circumstances, I am of the opinion that granting an opportunity to the petitioner to appear before the trial Court, subject to the payment of Rs. 10,000/- as costs, to be deposited with the Old Age Home at Karnal i.e. **Sant Nikka Singh Charitable Trust (Nirmal Dham), Model Town, Karnal**, would serve the ends of justice. This approach would also save considerable time, effort, and resources in ensuring the petitioner's presence.

8. Therefore, it is directed that if petitioner on his own appears before the learned trial Court on or before 07.02.2025, he would be released on bail

subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

9. However, it is made clear that the bail order would be subject to the deposit of an amount of Rs.10,000/- with the Old Age Home at Karnal.

10. In view of above, **the present petition is allowed.**

11. Needless to mention here that on compliance of all the conditions mentioned here-in-above, impugned order dated 26.09.2024 (Annexure P-2) would become inoperative *qua* the petitioner and would be deemed to be set-aside to the extent of declaring him proclaimed person.

(SANJAY VASHISTH)
JUDGE

January 21, 2025

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No