



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

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**CRM-M-16281-2025  
DATE OF DECISION: 26.03.2025**

**KRISHAN****...PETITIONER****Versus****STATE OF PUNJAB AND ANOTHER****... RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. S.K. Virk, Advocate for the petitioner(s).  
(through Hybrid Mode)

Mr. Jaspal Singh Guru, AAG, Punjab.

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**SANDEEP MOUDGIL, J (ORAL)**

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 praying for quashing the impugned order dated 12.09.2024 (Annexure P-2) passed by the Judicial Magistrate First Class, Phagwara, District Kapurahala, whereby the petitioner has been declared as proclaimed person and further quashing the FIR No. 09, dated 07.02.2020, under Sections 380, 411,482 IPC, Police Station Satnampura, District Kapurthala (Annexure P-1).

Learned counsel for the petitioner confines his prayer to the quashing of order dated 12.09.2024 (Annexure P-2) passed by the Judicial Magistrate First Class, Phagwara, District Kapurahala, whereby the petitioner has been declared as proclaimed person. He submits that the talk of settlement was going on between the petitioner and the



complainant. During that period, the petitioner was medically not fit, therefore, could not appear before the Trial Court, hence, the impugned judgment dated 12.09.2024 was passed.

He submits that the petitioner did not had any intention to avoid attendance in the Court proceedings. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

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 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 Rs.10,000/- to be deposited with the Chandi Kusht Ashram 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 amount so deposited by the petitioner shall not be construed as cost for this order but penalty for stalling the court proceedings by evading himself from trial for a long time.

The instant petition is disposed of in the aforesaid terms.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**26.03.2025**  
anuradha

*Whether speaking/reasoned*      *Yes/No*  
*Whether reportable*              *Yes/No*