



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

133

CRM-M-1506-2025
Date of decision: 14.01.2025

Suresh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ravi Chadda, 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 order dated 23.10.2024 (Annexure P-10) passed by learned JMIC, Mukerian in case No.CH1/82/2020 titled as State of Punjab Vs. Sandala Devi etc in case FIR No.73 dated 28.07.2020 under Sections 324/34 IPC registered at P.S Talwara, District Hoshiarpur vide which the petitioner has been declared as proclaimed person.

Learned counsel for the petitioner submits the petitioner could not appear in Court on 05.08.2004 as he was required to be present in the sea as a Chief Engineer under Sea Farer's Employment Agreement dated 22.07.2024. The Trial Court cancelled the bail of the petitioner and issued non-bailable warrants of arrest. Vide order dated 27.08.2024, learned trial Court after receiving unexecuted non-bailable warrants of the petitioner, summoned the petitioner through proclamation under Section 82 Cr.P.C for 07.09.2024 and vide the impugned order dated 23.10.2024, he has been declared as proclaimed person. 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.

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.5,000/- 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

14.01.2025

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