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

**CRM-M-40186-2025
DECIDED ON: 29.07.2025**

GULFAN**.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Bhupender Singh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNS, 2023 for quashing of impugned order dated 08.02.2018 (P-7) issued by Ld. CJM/ASJ (SD), Karnal whereby the petitioner has been declared proclaimed person in FIR No. 796 Dated: 04.08.2016 under section 279, 336 of IPC and section 11-D of the Prevention of Cruelty to Animals Act, 1960, (Later on added Section 181, 192, 196 Motor vehicle act) Police Station Karnal City, District Karnal (P-1) along with all subsequent proceedings of the case.

Learned counsel for the petitioner submits that the petitioner was not served with any of the warrants or notices issued by the Court, and as such, was unaware of the dates fixed for his appearance. It is submitted that the warrants of arrest issued on multiple occasions, including orders dated 21.12.2016, 04.03.2017, 24.05.2017, and 28.08.2017, were all received back unexecuted. This indicates that the petitioner was not properly served, and hence could not comply with the orders of the Court. There is no material on record to show that the petitioner was deliberately evading the process of law.

Learned counsel for the petitioner though at the outset without contesting the order dated 08.02.2018 (P-7) on merits undertakes to join the trial proceedings within ten days.

Notice of motion.

Mr. Sushil Bhardwaj, Addl. AG. Haryana, accepts notice on behalf of respondent/State and not averse to the undertaking given on behalf of the petitioner.

Without addressing the merits of the case or the legality of the order, as the same has not been contested by the learned counsel for the petitioner, has voluntarily agreed to join the proceedings before the trial court and to pay a penalty of Rs. 15,000/- to the Punjab & Haryana High Court Bar Lawyer's Family Welfare Fund, Account No.41564846387, IFSC Code: SBIN0050306 Bank Name-SBI High Court Branch for causing unwarranted delay in the trial proceedings, the order dated 08.02.2018 (P-7) is hereby set aside.

However, the aforesaid order would be subject to fulfillment of undertaking given before this Court on behalf of the petitioner that he will surrender before the trial Court within ten days. If any application seeking bail is moved by the petitioner, the same be considered by the Court below preferably on that very 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 petition stands disposed off in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

29.07.2025
Meenu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No