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

**CRM-M-41113-2025  
DECIDED ON: 31.07.2025**

**KULDEEP SINGH****.....PETITIONER****VERSUS****STATE OF PUNJAB AND ANOTHER****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Ms. Chandanpreet Kaur Ahluwalia, Advocate  
for the petitioner.

**SANDEEP MOUDGIL, J (ORAL)**

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 for setting aside the order dated 13.09.2024 (Annexure P-7), passed by learned Judicial Magistrate 1<sup>st</sup> Class, Ludhiana, vide which the petitioner has been declared proclaimed person in complaint case i.e. COMA No. 13214 of 2018 dated 28.09.2018 under Section 138 of Negotiable Instruments Act, titled as *Axis Bank vs. Kuldeep Singh*.

Learned counsel for the petitioner submits that the petitioner is a senior citizen, aged about 72 years and due to his old age he remain ill and, therefore, he could not appear before the trial Court on 09.11.2023 and the case stands adjourned to 24.11.2023. On 24.11.2023, the petitioner filed exemption application and the same was allowed and the case was adjourned to 30.11.2023. On 30.11.2023, health of the petitioner was not good, hence, he asked his counsel to appear on his behalf and to file exemption application, but the counsel could not



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file the exemption application and due to his absence on 30.11.2023, his bail stands cancelled and his bail bonds/surety bonds were forfeited to the State and he was summoned through non-bailable warrants for 05.12.2023. Thereafter, vide order dated 13.09.2024 passed by Judicial Magistrate 1<sup>st</sup> Class, Ludhiana, the petitioner was declared as proclaimed person.

Learned counsel for the petitioner 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, Mr. J.S. Rattu, DAG, Punjab 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.

In view of the above, the petitioner is directed to surrender before the trial Court within a period of two weeks 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.

There is no denial to the fact that due to petitioner's act, delay has occurred in trial proceedings and has caused prejudice to the other side and to compensate the delay which is caused by the petitioner alone, he is directed to deposit penalty of Rs.20,000/- with the **Punjab and Haryana High Court Bar Association Lawyer Family Welfare Fund** and a receipt of the same be produced



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before the trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day.

The instant petition is disposed of in the aforesaid terms.

**31.07.2025**

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**(SANDEEP MOUDGIL)  
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>