



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

**CRM-M-13032-2025  
DECIDED ON: 11.03.2025**

**PREM KUMAR**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Rhythem Bajaj, Advocate  
for the petitioner.

**SANDEEP MOUDGIL, J (ORAL)**

The jurisdiction of this Court has been invoked under Section 528 B.N.S.S., 2023, seeking quashing of the impugned order dated 21.09.2024 (Annexure P-5), passed by Id. Judicial Magistrate 1st Class, Abohar, District Fazilka, whereby the petitioner has been erroneously declared as proclaimed person in CRM-1167-2023 titled as 'State versus Dapinder Singh etc.' in FIR No.144 dated 29.12.2019 (Annexure P-1) under Sections 420, 465, 467, 468, 471, 120-B I.P.C. of 1860, Police Station Sadar Abohar, District Fazilka.

Learned counsel for the petitioner submits that initially, the prosecution filed an application before the trial Court on 10.04.2023 seeking the issuance of arrest warrants for the petitioner and other co-accused persons. However, this application was dismissed by the trial Court on 18.09.2023 (Annexure P-3). Subsequently, the prosecution filed a separate application on 20.12.2023 (CRM-1167-2023) for the issuance of arrest warrants for the petitioner and his co-accused. On the same day, non-bailable warrants were issued, and the case was adjourned to 20.01.2024. On

20.01.2024, fresh non-bailable warrants were issued as the earlier ones had been returned unexecuted, and the case was adjourned to 26.04.2024. On 26.04.2024, the non-bailable warrants were again returned unexecuted, and the trial Court noted that the accused persons were evading service, leading to the issuance of a proclamation for 03.06.2024. On 06.07.2024, the trial Court received a report confirming that the proclamation was executed against the petitioner on 29.06.2024, and the case was adjourned for the presence of the petitioner and his co-accused to 31.08.2024. On that date, the case was once again adjourned to 21.09.2024. Finally, by order dated 21.09.2024 (Annexure P-5), the petitioner and the other co-accused were declared proclaimed offenders.

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, Mr. Jaspal Singh Guru, AAG, 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 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.

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 costs of Rs.10,000/- with the Punjab and Haryana High Court Bar Association 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.

The instant petition is disposed of in the aforesaid terms.

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

**11.03.2025**

*Poonam Negi*

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*