



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

115+201

CRM-M-55118-2019 (O&M)  
DATE OF DECISION: 23.05.2025

SANJEEV KUMAR

...PETITIONER

Versus

STATE OF HARYANA AND ANOTHER

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pankaj Mehta, Advocate for the petitioner(s).

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Aryavart, Advocate for respondent No. 2.

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**SANDEEP MOUDGIL, J (ORAL)**

The jurisdiction of this Court has been invoked under Section 482 of Criminal Procedure Code for quashing/set-aside the Order dated 21.03.2018 (Annexure P-1) passed by JMIC, Hisar whereby the petitioner was declared PO (Proclaimed Offender) as well as FIR NO. 726 dated 21.12.2018 (Annexure P-2) under Section 174-A of IPC registered at P.S. Civil Lines, Hisar, District Hisar, Haryana, inter alia on the ground that the Petitioner has not been served at the address given in the complaint filed under section 138 of N.I. Act 1881 and procedure adopted under section 82 of Cr.P.C is totally against the Code of criminal procedure.

Learned counsel for the petitioner submits that he confines his prayer to the quashing of order dated 21.03.2018 (Annexure P-1) passed by JMIC, Hisar whereby the petitioner was declared PO (Proclaimed



Offender) on account of his absence before the Trial Court despite several calls being made during the course of the day. He further submits that he would not press the second prayer made in the petition i.e. for quashing of FIR NO. 726 dated 21.12.2018 (Annexure P-2) under Section 174-A of IPC registered at P.S. Civil Lines, Hisar, District Hisar, Haryana, although reserve his right to challenge the same at subsequent stage.

Prayer is accepted.

Now the prayer in the petition is limited to the quashing of order dated 21.03.2018 (Annexure P-1) passed by JMIC, Hisar whereby the petitioner was declared PO (Proclaimed Offender) on account of his absence before the Trial Court and evidence under Section 299 Cr.P.C. closed vide statement made by counsel for the complainant.

Learned counsel for the petitioner undertakes that the petitioner will surrender before the trial Court within one week from today 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 one week 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 compensatory penalty of Rs.20,000/- 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 amount so deposited by the petitioner shall not be construed as cost for this order but compensatory 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.

It is made clear that the petitioner would be at liberty to take his remedy for quashing of the FIR accordingly, as per law subsequently thereon.

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

**23.05.2025**  
anuradha

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