



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

**CRM-M-24381-2025 (O&M)**

**DECIDED ON: 07.05.2025**

**SANDEEP KUMAR @ SANDIP KUMAR**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB AND ANOTHER**

**.....RESPONDENTS**

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

Present: Mr. Vishal Thakur, Advocate  
for the petitioner.

**SANDEEP MOUDGIL, J (ORAL)**

**CRM-18521-2025**

This is an application under Section 528 of BNSS, 2023 for exemption from filing the certified/true typed copies of Annexures P-1 to P-8 and for placing on record true typed copies thereof.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions. Annexures P-1 to P-8 are taken on record.

Application stands disposed of.

**CRM-M-24381-2025**

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 seeking quashing of order dated 14.12.2020 (Annexure P/6), passed by SDJM, Phillaur, District Jalandhar, passed in case bearing FIR No. 55 dated 26.2.2019, under Sections 420, 406 of IPC, 1860, section 24 of Immigration Act and section 13 of Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Phillaur, District Jalandhar

Rural, vide which the petitioner has been declared proclaimed offender without following proper procedure under section 82 of Cr. P.C.

Learned counsel for the petitioner submits that a compromise was previously entered into between the complainant and his wife on one side and the petitioner on the other. However, due to a subsequent misunderstanding, the present FIR came to be lodged. He further states that the matter has now been amicably resolved through a mutual compromise dated 21.10.2019 (Annexure P-3), with the intervention of respectable members of the society. It is also contended that, in light of this compromise, the petitioner was under the *bona fide* impression that no further legal action would be taken against him by the police, especially since the entire alleged amount involved in the case had already been returned to the complainant. Despite this, proceedings were initiated against the petitioner and the trial Court issued a proclamation under Section 82 Cr.P.C., and thereafter on 14.12.2020 (Annexure P-6) after recording the statement of the serving constable regarding the affixation of the proclamation, the petitioner was declared a proclaimed offender.

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. Jasjit Singh Rattu, DAG, Punjab accepts notice on behalf of the respondent-State and Mr. Kapil Rana, Advocate has put in appearance on behalf of respondent No.2, who are 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.20,000/- with the Punjab and Haryana High Court Bar Clerks' 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.

Accordingly, the order dated 14.12.2020 (Annexure P/6), passed by SDJM, Phillaur, District Jalandhar is hereby quashed qua the petitioner.

The instant petition is disposed of in the aforesaid terms.

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

**07.05.2025**

*Poonam Negi*

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*