



134

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

**CRM-M-30931-2025
DECIDED ON: 29.05.2025**

SUKHWINDER SINGH**.....PETITIONER****VERSUS****SURJIT KAUR AND ANOTHER****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Rahul Kumar Adia, Advocate
for the petitioner (through hybrid mode).

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS for quashing of impugned order dated 25.04.2025 passed by Additional Chief Judicial Magistrate, Hoshiarpur (Annexure P-6) vide which the petitioner has been declared as proclaimed person in a complaint bearing No.NACT-698-2023 titled as Surjit Kaur vs. Sukhwinder Singh filed under Section 138 of NI Act.

Learned counsel for the petitioner submits that the non-bailable warrants issued against the petitioner were not returned after being served and remained un-executed, with the report stating that the petitioner was not found at the given address. Despite this, proclamation proceedings were initiated against the petitioner, and he was subsequently declared a proclaimed person.

Learned counsel for the petitioner though at the outset without contesting the order dated 25.04.2025 (Annexure P-6) on merits undertakes to join the trial proceedings within ten days.

Notice of motion.

Mr. Jasjit Singh Rattu, DAG Punjab, 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, who has voluntarily agreed to join the proceedings before the trial court and to pay a compensatory penalty of Rs. 10,000/- to the Punjab & Haryana High Court Bar Association for causing unwarranted delay in the trial proceedings, the order dated 25.04.2025 (Annexure P-6) 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

29.05.2025

Meenu

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