



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

**CRM-M-23471-2025
DECIDED ON: 06.05.2025**

GURJINDER SINGH

.....PETITIONER

VERSUS

KEWAL KRISHAN BHUKKAL

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vipul Goel, Advocate,
Mr. Simrandeep Singh and Mr. Jashanpreet Singh, Advocates
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 BNSS 2023 for Quashing/ setting-aside of Impugned Order dated 19.09.2024 passed by JMIC, SAS Nagar Mohali (ANNEXURE P-4), thereby declaring petitioner as 'Proclaimed Person' in a Criminal Complaint bearing NACT-561-2022 titled as 'Kewal Krishan Bhukkal Vs. Gurjinder Singh' filed U/s 138 NI Act 1881(ANNEXURE P-1).

Learned counsel for the petitioner submits that, as per order dated 30.05.2024, the non-bailable warrants issued against the petitioner were returned back with a report stating that the petitioner was not found at the given address. Consequently, he was summoned through proclamation under Section 82 Cr.P.C. for 16.08.2024. Thereafter, the learned Trial Court recorded the statement of the serving constable confirming that the proclamation was executed on 13.08.2024, and the matter was adjourned to 19.09.2024 for the petitioner's appearance. However, due to his non-appearance on that date, the petitioner was declared a Proclaimed Person vide order dated 19.09.2024 (Annexure P-4). It has been further contended that the petitioner's failure to appear on 19.09.2024 was neither deliberate nor intentional, as he was in judicial custody from 12.08.2024 to 14.01.2025 in connection with FIR No. 300 dated 10.07.2024, registered under Sections

419, 420, 417, and 120-B IPC, with later addition of Sections 465, 467, 468, and 471 IPC, at Police Station Zirakpur, District SAS Nagar, Mohali, wherein he was granted regular bail by this Court vide order dated 14.01.2025 (Annexure P-5) passed in CRM-M-63235-2024.

He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

In view of the undertaking given by learned counsel for the petitioner, 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.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

06.05.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No