



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.: 136

Criminal Miscellaneous No.M-15251 of 2025

Date of Decision: March 21, 2025

Vinod Bansal

.....Petitioner

Versus

Hardeep Singh Gill

.....Respondent

CORAM HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present:- Mrs. R.K. Grewal, Advocate, for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528, The Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of the order dated 21.04.2018 (Annexure P-4) passed by Ld. JMIC, Amritsar, whereby, the Petitioner has been declared as Proclaimed Offender in complaint No.2452/2016 dated 27.07.2016 under Section 138 of the Negotiable Instruments Act, 1881, titled *Hardip Singh vs. Lord Buddha's Society and another*.

2. Learned counsel for the petitioner submits that petitioner's absence before the Court below is neither intentional, nor deliberate, but due to circumstances which were beyond his control.

3. Learned counsel for the petitioner having instructions would submit before this Court that the petitioner is ready and willing to join the proceedings of appeal and will surrender before the Court below.

4. Be that as it may, without going further into the technicalities and the legality of the order qua fulfillment of essentials as envisaged under Section 83 Cr.P.C., once the petitioner is ready and willing to join the trial



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proceedings, as has been undertaken before this Court, this Court deem it appropriate to dispose of the petition at this stage itself.

5. The petitioner shall surrender before the trial Court within a period of 10 days from today and in case, he moves an application for regular bail on that day or any other subsequent date, same may be considered and decided in accordance with law preferably on that very day itself.

6. This Court is also sanguine of the fact that due to absence may be on account of the reasons, as has been detailed in the petition and submitted before this Court during the course of hearing, the fact remains that the judicial process have been delayed.

7. As a penalty for causing delay in the judicial process, the petitioner is penalized with a penalty of Rs.10,000/-, which shall be paid to the Punjab & Haryana High Court Employees Welfare Association, Chandigarh, a receipt of which shall be produced before the trial Court at the time of surrender.

8. 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.

9. The petition stands disposed off in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

March 21, 2025

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Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No