



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

139

CRM-M-1486-2025

*Date of decision: 14.01.2025***Raju Yadav @ Jitpal***.....Petitioner**Versus***State of Punjab***.....Respondent***CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Kanwaljeet Singh, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS 2023 for quashing of order dated 05.10.2024 (Annexure P-7) passed by learned Judge Special Court, Ludhiana in case bearing No.NDPS-451-2020 titled as “State Vs. Dalpat Singh and Raju Yadav” whereby petitioner has been declared as proclaimed offender as well as orders dated 04.07.2024 & 26.10.2022 (Annexure P-5 & Annexure P-4 respectively) passed by learned Judge, Special Court, Ludhiana whereby bail of the petitioner has been cancelled.

Learned counsel for the petitioner submits that on one of the dates, the petitioner could not appear in Court as unfortunately, his LPG Gas Cylinder got fire and exploded in his house as a result of which his wife died. He was not mentally stable for some time and thus he failed to appear before the trial Court. The Trial Court cancelled the bail of the petitioner and issued non-bailable warrants of arrest. Vide order dated 05.10.2024, learned trial Court declared the petitioner as proclaimed offender. He submits that the petitioner did not had any intention to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. 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, 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 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.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited in the Chandi Kusht Asshram Society, (account No.1445265900) (IFSC Code KKBK0004211), Kotak Mahindra Bank, Sector 46-C, 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 instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

14.01.2025
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1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No