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2025:PHHC:020645



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

**CRM-M-54945-2024
DECIDED ON: 13.02.2025**

AVTAR SINGH PANNU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rahi Mehra, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 seeking quashing of order dated 09.07.2004 (Annexure P-5) whereby the bail bond and surety bond of the petitioner was cancelled without issuing any notice to the petitioner and the order declaring petitioner as a proclaimed offender dated 25.01.2006 (Annexure P-2) in FIR No.26, dated 10.02.2004, under Sections 419, 420, 468, 471 IPC and Section 12 of the Passport Act, 1967, registered at Police Station Rajasansi, District Amritsar.

Learned counsel for the petitioner contends that the petitioner was never aware of the proceedings in the present FIR as he was in USA and, therefore, no summons were ever issued or served to the petitioner.

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.

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On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab 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.

This Court would note that the present FIR in which the petitioner has been declared proclaimed offender dates back to the year 2004 in which the petitioner was arrested and was thereafter released on regular bail vide order dated 10.02.2004 and thereafter he left to the USA, so, this fact that the present case is pending against the petitioner was very much in the knowledge of the petitioner and he intentionally and deliberately has tried to evade the process of law for the last almost 20 years which is highly deprecated on his part but now keeping in view the fact that he is ready to come back to India and surrender, this Court would grant him one opportunity to appear and surrender before the trial Court.

In view of the above, the petitioner is directed to surrender before the trial Court within a period of four weeks 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



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and to compensate the delay which is caused by the petitioner alone, he is directed to deposit costs of US \$10,000 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.

13.02.2025

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No