



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

159

CRM-M-6331-2025
Decided on : 03.02.2025

Daljit KaurPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ankur Jain , Advocate
for the petitioner.

SANJAY VASHISTH, J.

1. Instant petition, under Section 582 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 09.08.2023(Annexure P-4), whereby the petitioner has been declared as proclaimed person, on account of his non-appearance in the following FIR:-

FIR No.	Date	Section(s)	Police Station	District
055	11.12.2022	148,149,302,323,452, 506 IPC and Sections 25 and 27 of Arms Act	Mattewal	Amritsar Rural

2. Learned counsel for the petitioner *inter alia* submits that the material witnesses have already been examined and none of them, including complainant supported the case of the prosecution. Counsel also submits that even, role attributed to the petitioner is of causing of stick blow to deceased, without explaining the body part.

Counsel further submits that petitioner is household lady and is looking after her family including minor child. Counsel contends that, if one more opportunity is afforded to the petitioner to appear by grating some



protection from arrest, subject to the payment of some cost amount also, she undertakes that in all the future proceedings of the present case, she would never be absent from the Court, except by obtaining prior permission from the Court, and thus will fully cooperate in the Court proceedings for early completion of trial. It was only on 09.08.2023, that too on account of some unavoidable reasons, she could not appear before the Court and resultantly, she was declared as 'proclaimed person'.

Also prays that the petitioner be released on bail on the same bail bonds/surety bonds, if not forfeited already by the time of surrendering of the petitioner before the Court.

3. Notice of motion.

4. On advance notice, Mr. Amandeep Singh, DAG, Punjab, appears on behalf of respondent/State.

5. Learned State counsel puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, she has misused the concession of bail granted by the Court. Learned State counsel further submits that looking at her behaviour, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

6. In number of cases, this Court has considered similar plea of appearance, expressed at the instance of the accused, who failed to appear before the Court at appropriate time, and observed that:

“paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigation, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.”

[see: *Ashish Kumar Honda @ Ashish Handa v. State of Punjab*, Law Finder Doc Id # 2038111; and *Veena @ Veena Devi v. State of Punjab* (CRM-M-2206-2025, decided on 16.01.2025)]

7 I have considered the submissions of both the sides and examined the relevant material available on record. The petitioner has



remiss in appearing before the Court only on one date i.e. on 08.09.2024, when impugned order declaring the petitioner 'proclaimed person' has been passed against her. It also cannot be left unnoticed that within 24 months of her absence from the Court, and on coming to know about passing of the impugned order, the petitioner has moved the present petition, showing her inclination to submit herself before the trial Court.

8. In totality of circumstances, I am of the view that the petitioner can be given one chance to appear before the trial Court, so that proceedings may restart and continue in smooth manner. Accordingly, plea of the petitioner is accepted. Impugned order (supra) is set aside to the extent of declaring the petitioner as 'proclaimed person', and she is directed to be released on bail, in the eventuality of surrender by her before the trial Court on or before **27.02.2025**.

The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court, in case the bail bonds have already been forfeited. Besides, petitioner would also submit specific undertaking/affidavit that she will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

However, this order shall be subject to the payment of Rs.10,000/- as costs, to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court. The Trial Court shall also specify the time frame within which such costs will be required to be deposited.

Let costs amount be deposited and receipt be shown to the concerned Court by appearing, failing which this order would not be of any advantage to the petitioner.

9. With aforementioned terms, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

03.02.2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**