



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-6501-2025
Decided on : 04.02.2025

Kulbir Kaur @ Kulwinder Kaur @ Paplo
Versus
State of Punjab
... Petitioner(s)
... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Azam Khan, Advocate for
Mr. Ritesh Pandey, Advocate
for the petitioner(s).

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 11.01.2024 (Annexure P-2), whereby the petitioner has been declared as 'Proclaimed Person', in the following FIR:-

FIR No.	Date	Section(s)	Police Station	District
9	02.02.2022	61 of the Punjab Excise Act, 1914	Sekhwan	Batala

2. Learned counsel for the petitioner submits that since the time of registration of the FIR and releasing of her on bail by the Court, on each and every proceeding fixed before the Court, the petitioner had been regularly appearing before the learned Trial Court. Challan in the present case was presented on 08.07.2022, thereafter, case was adjourned many a times for framing of charges, but petitioner misguided herself by assuming that her presence is not required until the charges are framed. Therefore, under this impression, petitioner could not appear before learned trial Court and

accordingly, vide order dated 11.01.2024 (P-2), she was declared 'proclaimed person'.

Further submits that in case, one opportunity is granted for releasing the petitioner on bail, by protecting her from arrest, the petitioner undertakes that she would not absent herself in future, without there being prior permission from the Court, and would fully cooperate also for early disposal of the trial.

3. Notice of motion.

4. 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 willfully evaded the process of law. Therefore, looking at her behaviour, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

5. 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)]

6. 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 11.01.2024, when impugned order qua declaring her 'proclaimed person' has been passed

against her. It also cannot be left unnoticed that soon after coming to know about the passing of impugned order, the petitioner has moved the present petition, showing inclination to submit herself before the trial Court for joining the proceedings.

7. In totality of circumstances, this Court is of the view that the petitioner should be given one chance more, 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 her '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 21.02.2025.

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

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

(SANJAY VASHISTH)
JUDGE

February 04, 2025

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No