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

CRM-M-7705-2025**Date of Decision: 11.02.2025****GURLAL SINGH****....Petitioner(s)****VERSUS****VIJAY KUMAR****....Respondent(s)****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

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

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 05.01.2023 (Annexure P-2) passed by learned ACJM Sri Muktsar Sahib, whereby the petitioner has been declared as proclaimed person, on account of his non-appearance in case No.NACT/146/2020.

2. Learned counsel for the petitioner submits that the petitioner was never served in the main complaint case, which was filed in February, 2020. The cheque amount in dispute is about Rs.2,69,316.75/-. He submits that on account of non-appearance of the petitioner vide impugned order dated 05.01.2023, petitioner was declared as proclaimed person.

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

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. Learned State counsel puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy and looking at his 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 05.01.2023, when he was declared as proclaimed person. It also cannot be left unnoticed that on coming to know about passing of the impugned order, the petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

7. 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 dated 05.01.2023, is set aside to the extent of declaring him proclaimed person, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 28.02.2025.

The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court, in case the bail bonds have already

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been forfeited. 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.

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.

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

February 11, 2025
Sangeeta

(SANJAY VASHISTH)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No