



CRM-M-10141-2025

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

Sr. No.123

CRM-M-10141-2025

Decided on :21.02.2025

ANGREJ SINGH

.....Petitioner

VERSUS

NAIB SINGH

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Jaskirat Singh Dhaliwal, Advocate
for the petitioner.

SANJAY VASHISTH, J.

1. Instant petition, under Section 528 of BNSS, 2023 has been filed for quashing of the impugned order dated 05.08.2023 (Annexure P-3) passed by learned Sub Divisional Judicial Magistrate, Malout, District Sri Muktsar Sahib, Punjab, whereby the petitioner has been declared as proclaimed person in complaint case No. NACT/497/2019 titled as “Naib Singh vs. Angrej Singh” filed under Section 138 of Negotiable Instruments Act, 1881.

2. Learned counsel for the petitioner contends that in fact the proceedings were delayed at the instance of the complainant-Naib Singh because number of times, he had been seeking exemption from appearing before the Court by moving applications prior to the passing of the impugned order of declaring the petitioner as proclaimed person.

3. Further submits that in case one opportunity is granted for releasing the petitioner on bail, by protecting him from arrest, the

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petitioner undertakes that he would present himself before the Court to face the proceedings and will not absent himself in future, without there being prior permission from the Court, and fully cooperate for early disposal of the trial.

4. In number of cases, wherein, accused stopped appearing in criminal cases after being released on bail and thereby compelling the Court to issue non-bailable warrants by cancelling the bail already granted or such accused is declared 'Proclaimed Person'/'Proclaimed Offender', after examining the facts, this Court has formulated to apply a uniform method by satisfying itself that such accused would appear before the concerned Court, to enable it to proceed further instead of delaying the proceedings to await the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case involved, and where it is realised that absence or prolonged absence of such accused is intentional to evade the process of law, he/she can be penalized examining the nature of crime in which he is facing the proceedings and thereupon by imposing some cost amount subject to his/her capacity to pay.

Primary object of every Court is only to examine the commission of crime in question before it *vis a vis* the person/accused, who is subjected to such proceedings, and if possible justice be imparted at the earliest without unnecessary delay. It is not expected that undue time would be devoted in securing the presence of absconded accused



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and also to waste energy by enforcing the special mechanism to arrest such accused.

Considering all such aspects, this Court in the case of **Ashish Kumar Handa @ Ashish Handa Vs. State of Punjab, 2022 (4) RCR (Criminal) 756; Law Finder Doc Id # 20238111** 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”.

Again, this Court has considered the aforementioned similar plea in case **Veena @ Veena Devi v. State of Punjab (CRM-M-2207-2025), decided on 16.01.2025**

5. I have considered the submissions of learned counsel for the petitioner and examined the relevant material available on record. 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.

6. This Court is also of the view 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 litigations, 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.

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7. Therefore, in the totality of circumstances and placing reliance upon the order passed by this Court in the case of 'Hardeep Kumar Saini @ Bhola Vs. State of Punjab' (CRM-M-737-2025, decided on 10.01.2025), I am of the opinion that granting the petitioner an opportunity to appear before the trial Court, would serve the ends of justice. This approach would also save considerable time, effort, and resources in ensuring the petitioner's presence.

8. In view of the above, present petition is allowed and impugned order dated 05.08.2023 passed by learned Sub Divisional Judicial Magistrate, Malout, District Sri Muktsar Sahib, Punjab is hereby set aside. It is directed that if petitioner on his own appears before the learned trial Court on or before 07.03.2025, he would be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would 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.

9. However, this order shall be subject to the payment of Rs.5,000/- (Rupees ten thousand only) 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.

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



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any advantage to the petitioner, and the present order would become inoperative.

11. Needless to mention here that on compliance of all the conditions mentioned here-in-above, impugned order dated 05.08.2023 (Annexure P-3) and the subsequent orders would become inoperative qua the petitioner.

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

(SANJAY VASHISTH)
JUDGE

21.02.2025
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No