

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-18689-2025
Decided on : 04.04.2025
... Petitioner

Bhupinder Singh @ Bhupi
Versus

State of Punjab ... Respondent(s)
CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH
PRESENT: Ms. Bhumika Khatri, Advocate for the petitioner.

Mr. Amandeep Singh, DAG, Punjab

SANJAY VASHISTH, J. (Oral)

1. Instant petition, under Section 528 of the BNSS, 2023, has been filed for quashing of the order dated 04.12.2023 (Annexure P-3), 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
244	31.10.2015	61 The Punjab Excise Act	Kotwali	Patiala

2. Learned counsel for the petitioner submits that petitioner could not appear before learned trial Court on 04.12.2023 (P-3) on account of illness and his son namely, Mandeep Singh was arrested in FIR No.18 dated 27.02.2023 and he is looking after his son’s case also,and later he came to know that he has been declared as ‘proclaimed person’.

3. Learned counsel for the petitioner further submits that petitioner is inclined to join the process of law before learned Trial Court and undertakes to co-operate throughout the proceedings before the trial Court. Learned counsel further submits that the non-appearance of the petitioner before learned Trial Court was neither intentional nor a deliberate act, rather it was due to the reason explained and noticed hereinabove.

4. He further contends that, if one opportunity is afforded to the



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petitioner to appear by granting some protection from arrest, he undertakes that in all the future proceedings of the present case, he 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.

5. Notice of motion.

6. On asking of the Court, Mr. Amandeep Singh, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

A copy of the complete paper book has been supplied to him by learned counsel for the petitioner.

7. Learned State counsel opposes the request of the petitioner, and submits that petitioner has willfully remained absent from the proceedings of learned Trial Court and thus, does not deserve any sympathy. Therefore, petitioner should be directed to surrender before the Court and to face trial.

8. I have heard learned counsel for the parties and perused the relevant material on record. It is evident that petitioner is inclined to join the process of law, and by way of present petition, he is seeking one chance to join the proceedings before the learned Trial Court, by abiding to the terms and conditions.

9. In number of cases, wherein, accused stopped appearing in criminal cases, the Courts are compelled to declare accused as 'Proclaimed Person/Proclaimed Offender'. After examining the facts, this Court has formulated a uniform method to ensure the presence of accused before the concerned Court, to enable it to proceed further instead of delaying the proceedings by awaiting 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



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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 *viz-a-viz* 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 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 Honda @ Ashish Handa Vs. State of Punjab, 2022 (4) RCR (criminal) 765; 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-2206-2025, decided on 16.01.2025.***

10. 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 on 04.12.2023, when impugned order declaring the petitioner ‘proclaimed person’ has been passed against him. It also cannot be left unnoticed that as and when the petitioner came to know about



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passing of the impugned order, the petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

11. 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 04.12.2023 (P-3) is **set aside** to the extent of declaring the petitioner as '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 28.04.2025.

The petitioner shall also 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.

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, but not more than two weeks, failing which this order would not be of any advantage to the petitioner.

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

(SANJAY VASHISTH)
JUDGE

April 04, 2025

Rashmi

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