

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-20396-2025
Reserved on: 07.08.2025
Pronounced on: 27.08.2025

Tejpal SinghPetitioner

Vs.

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rishu Mahajan, Advocate
for the petitioner(s).

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
66	18.09.2024	Lohian, Jalandhar	103/3(5) of BNS 2023

Seeking quashing of order dated 11.11.2024 passed by the JMIC Ist Class, Jalandhar, Distt. Jalandhar, whereby petitioner was declared as proclaimed offender in the FIR captioned above, the petitioner has come up before this Court by filing the present petition under Section 528 BNSS 2023.

2. Counsel for the petitioner submits that petitioner was out of India and returned on 23.09.2023 and could not join the proceedings before the Court below as he was neither aware about the incident in question nor the FIR and no proclamation was served upon him and without following the due procedure of law, he was declared as proclaimed offender on 11.11.2024 (Annexure P-2).
3. The accused could not be arrested by police,ailable warrants, and even non-ailable warrants issued by Court were unexecuted. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide aforesaid order.
4. Counsel for the petitioner submits that petitioner undertakes to appear before the trial Court as and when this Court directs to do so and also ready to join the investigation.

5. An analysis of the submissions and the petition would lead to the following outcome. It remains undisputed that when the petitioner got to know about his being declared a proclaimed offender, he took a legal remedy and came up before this Court. It also remains undisputed that it never happened that police officials caught him or tried to run away to avoid an appearance in Court. In such a situation, the petitioner has proved his case by a preponderance of probabilities and has prima facie established that his non-appearance was beyond his control. Although there is a massive delay in challenging the proclamation proceedings, but the fact is remain that the petitioner on his own came before this Court, undertaking to attend the trial, and it is not the police who have been able to arrest.

6. Let the petitioner attend proceeding of the case because the criminal justice system must not hamper and suffer because of the petitioner.

7. The primary object of the service is to secure the accused's presence at trial. The petitioner approached this court independently, establishing the bonafide at this stage. Without commenting on the case's merits, and in the facts and circumstances peculiar to this case, and also for the reasons mentioned above, the ends of justice would meet if this Court whether exercising the inherent powers under section 528 BNSS, 2023, it would be appropriate to grant the following limited relief to the petitioner, subject to the compliance of the conditions mentioned in this order.

10. The petitioner is directed to surrender before the concerned court/Illaq Magistrate **on or before 15.09.2025, 11 AM** and avail his legal remedies in accordance with law.

11. There shall be a stay on the petitioner's arrest in the case mentioned till 16.09.2025 at 11 AM. It is clarified that if the petitioner surrenders within prescribed period, impugned order shall automatically stand quashed and set aside.

12. It is clarified that if the petitioner fails to appear before the concerned court within the time limit mentioned in this order, then this order shall be recalled automatically under section 403 read with 528 of BNSS, 2023, without any further reference to this court.

13. It is clarified that this order shall not be construed as an order of bail for which liberty is reserved to file before the appropriate Court if needed.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. *A certified copy of this order would not be needed, and any Advocate for the Petitioner can download this order along with case status from the official web page of*

this Court and attest it to be a true copy. If the concerned court/ officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

Petition is partly allowed to the extent mentioned above. All pending applications, if any, stand disposed of. Liberty reserved to raise the given-up relief(s) in the subsequent petition(s) if the need arises.

(ANOOP CHITKARA)
JUDGE

27.08.2025
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Whether speaking/reasoned:	Yes
Whether reportable:	No.