



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

129

**CRM-M-24554-2025
Date of decision: 08.05.2025**

INDERJIT SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. A.P.S. Rehan, Advocate
for the petitioner.

Mr. Jasdeep Singh, DAG, Punjab.

SANJAY VASHISTH. J.(Oral)

1. The instant petition under Section 528 of BNSS has been filed for quashing of the order dated 16.09.2009 (Annexure P-3), passed by learned Judicial Magistrate First Class, Hoshiarpur, whereby, the petitioner has been declared proclaimed offender. There are total 05 accused namely Kuldeep Singh @ Deepu, Dilbag Singh, Inderjit Singh, Kirandeep @ Rabb and Parvinder Kumar @ Pindi, who have faced trial in case FIR No.141 dated 24.07.2006, under Sections 452, 324, 34, 506 and 120-B of IPC (Sections 326, 427, 148 and 149 of IPC added subsequently) registered at Police Station Mahilpur, District Hoshiarpur.
2. During proceedings, Inderderjit Singh and one more accused Kuldeep Singh @ Deepu were declared proclaimed offenders, therefore, no final decision could be taken in trial *qua* them. However, three of the accused namely Dilbag



- 2-

Singh, Kirandeep @ Rabb and Parvinder Kumar @ Pindi were acquitted by Judicial Magistrate First Class, vide judgment dated 30.11.2009. Subsequently, Kuldeep Singh @ Deepu who was P.O, challenged the order by filing CRM-M-9787-2014 in which vide order dated 20.03.2014, an interim direction was issued that if petitioner puts an appearance within two weeks, he shall be admitted to bail on furnishing bail bonds to the satisfaction of Area Magistrate.

3. Counsel clarifies that thereafter co-accused Kuldeep Singh @ Deepu surrendered and was released on bail and subsequently was set at acquittal by trial Court itself vide judgment dated 07.10.2014. Accordingly, petition was withdrawn by him on 29.11.2014.

4. Four of the accused, out of the total five (excluding petitioner) have already been acquitted, petitioner submits that to earn the livelihood he had gone to Australia, and in the year 2009 petitioner was declared proclaimed offender. Recently, he arrived back India in March 2025 and is willing to join the proceedings in which he was declared proclaimed offender. However, counsel contends that under the compelling circumstances, petitioner be allowed to appear before the trial Court by protecting him from arrest.

5. Notice of motion.

6. Learned State counsel puts an appearance and opposes the request of the petitioner by pointing out the irresponsible conduct of the petitioner. Learned counsel submits that the petitioner does not deserve any sympathy and that there is every possibility that for the purpose of delaying the trial, he would again be absenting during the proceeding.

7. In number of cases, wherein, accused stopped appearing in criminal cases after being released on bail and thereby compelling the Court to issue non-



- 3-

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.

8. Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case in which he is 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 after 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.

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

10. 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



- 4-

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.**

11. 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 16.09.2009 and he was declared as proclaimed offender. It also cannot be left unnoticed that as and when the petitioner came to know about the passing of impugned order, he has immediately moved the present petition, showing his inclination to submit himself before the trial Court.

13. 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 16.09.2009 is **set aside** to the extent of declaring the petitioner as ‘proclaimed offender’, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 26.05.2025.

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

15. However, this order shall be subject to the payment of Rs.50,000/- 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.

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

		(SANJAY VASHISTH)
		JUDGE
08.05.2025		
amandeep		
	Whether speaking/reasoned.	: Yes/No
	Whether Reportable.	: Yes/No