



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

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**CRM-M-23664-2025
Date of decision: 03.05.2025**

SATYANDER KUMAR ALIAS SATYENDER KUMARPetitioner

Versus

STATE OF HARYANA AND ANOTHER ...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Jainainder Saini, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH. J.(Oral)

1. Instant petition, under Section 528 of the BNSS, 2023 has been filed for quashing of the order dated 10.04.2023 (Annexure P-3), passed by learned JMIC, Hisar, in a complaint under Section 138 of the Negotiable Instruments Act bearing complaint No.24 of 2022 (instituted on 05.01.2022), vide which the petitioner was declared as proclaimed person and all the consequential proceedings arising thereof including FIR No.922 dated 30.08.2023, registered under Section 174-A IPC, registered at Police Station HTM, District Hisar.

2. Learned counsel for the petitioner submits that a complaint under



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Section 138 of the Negotiable Instruments Act, 1881 (in short, 'NI Act') has been filed against the petitioner on 05.01.2022.

3. He further submits that as the petitioner was not residing at the given address, notices were not served upon him. Thereafter, on 09.09.2022, the NBWs were issued against the petitioner for 02.01.2023 but the same were received back unexecuted with the report that petitioner had gone out of station. Thus, the trial Court by observing that petitioner was absconding from the execution of warrants and hence, he cannot be served through ordinary process. Accordingly, vide impugned order dated 10.04.2023 (P-3), petitioner was declared as 'proclaimed person'. Thereupon, FIR No.922 dated 30.08.2023, registered under Section 174-A IPC, registered at Police Station HTM, District Hisar (P-4).

4. Learned counsel, thus, submits that absence of the petitioner was neither intentional nor deliberate, but due to the reasons, as mentioned above.

5. Learned Counsel further submits that now petitioner is ready to join the process of law, however, he be directed to be released on bail, on his surrendering before the Court and thus, be protected from arrest. In case, one opportunity is granted, petitioner undertakes that he would not absent himself in future, without there being prior permission from the Court, and will fully cooperate for early disposal of the trial.

6. Notice of motion.

7. 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.



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8. 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.

9. 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.

10. 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.

11. 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



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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**).

12. 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 due to the reasons already mentioned, and consequently, on 09.09.2022, non-bailable warrants of arrest, has been passed against him and thereafter on 10.04.2023 he was declared as proclaimed person and consequently FIR No.922 dated 30.08.2023, under Section 174-A IPC, registered at Police Station HTM, District Hisar. 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 10.04.2023 (P-3) is **set aside** to the extent of declaring the petitioner as ‘proclaimed person’, including the quashing of the FIR No.922 dated 30.08.2023, registered under Section 174-A IPC (P-4), and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 20.05.2025.



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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.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.

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

03.05.2025
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(SANJAY VASHISTH)
JUDGE

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