



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

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**CRM-M-26152-2025
Decided on : 14.05.2025**

Dilbag Rai Bagga

... Petitioner(s)

Versus

Satinder Pal Singh

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sumit Dua, Advocate
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana

SANJAY VASHISTH, J. (Oral)

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 18.04.2025 (Annexure P-3), whereby the petitioner has been declared as 'proclaimed person', on account of his non-appearance in Complaint No. NACT/2331/2020, titled as, "Satinder Pal Singh v. Dilbag Rai Bagga".

2. Learned counsel for the petitioner submits that petitioner is an old age person of 74 years of age (senior citizen) and suffering from various old age diseases. On 05.02.2025, petitioner was suffering from fever and body pain. His doctor advised him to complete bed rest for next five days. Petitioner moved an application for exemption, however, learned trial Court declined said application and due to the non-appearance, bail order of the petitioner was cancelled and his bail bonds/surety bonds were forfeited to the State and non-bailable warrants were also issued against him.

Further submits that matter had been adjourned for 27.02.2025,

but inadvertently, petitioner wrongly noted the next date of hearing as 27.03.2025, instead of 27.02.2025. On 27.03.2025, when petitioner visited his counsel's office regarding putting appearance before the trial Court, his counsel intimated that next date was 27.02.2025, not 27.03.2025. Thereafter, on inquiry, it was found that proclamation proceedings have been issued against him vide order dated 27.02.2025 (P-2).

3. Learned counsel further submits that when petitioner was ready to appear before the trial Court, his counsel suggested him to first arrange some surety for furnishing bail bonds and after that appear before the Hon'ble Court. Petitioner tried very hard to search the surety for him and in this regard, he contacted his friends and relatives, but all in vain. Due to his inability to arrange surety, he failed to appear before trial Court, resultantly, vide impugned order dated 18.04.2025 (P-3), petitioner has been declared as 'proclaimed offender'.

Further submits that petitioner is a senior citizen of the age of more than 74 years and most of the time, he remains ill, thus, due to this reason, he could not appear before the trial Court due to which, vide order dated 18.04.2025 (P-3), he was declared as 'proclaimed person'. However, as and when, he came to know about this order, he immediately approached this Court by way of present quashing petition.

Thus, learned counsel submits that in case one opportunity is granted for releasing the petitioner on bail, by protecting him from arrest, the petitioner undertakes that he would not absent himself in future, without there being prior permission from the Court, and fully cooperate for early disposal of the trial.

4. After hearing learned counsel for the petitioner and perusing the

record, this Court is of the view that dispute raised through the present petition can be decided *in limine* and without calling the other side here, because the way this Court intends to dispose of the present petition, no prejudice would be suffered to the complainant *qua* his rights.

5. 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 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).

6. 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 only on one date i.e. on 18.04.2025, 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 passing of the impugned order, the petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

7. 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 18.04.2025 (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 29.05.2025.

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.

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

(SANJAY VASHISTH)
JUDGE

May 14, 2025

J.Ram

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>