



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-25914-2025
Decided on : 13.05.2025

Satish Kumar . . . Petitioner(s)
Versus
State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rakesh Sobti, 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 03.08.2017 (Annexure P-9), passed by Ld. Judicial Magistrate First Class, Hodal (in short, 'Ld. JMIC'), whereby the petitioner has been declared as 'proclaimed offender', on account of his non-appearance in the following FIR:-

FIR No.	Date	Section(s)	Police Station	District
233	17.09.2016	399, 402 of IPC and Sections, 25, 54, 59 of the Arms Act, 1959	Hassanpur	Palwal

2. Learned counsel for the petitioner submits that the admitted position in the case is that petitioner was never arrested in this case, and as per allegations, he had run away from the spot. Four of the accused, who have arrested have already faced trial, and thereupon, accused; Rahul and Ravi were acquitted vide judgment dated 01.04.2017 (P-1) by the Court of Ld. Additional Sessions Judge, Palwal.

Similarly, other two accused, who were juvenile/CCL, i.e., Akash and Kapil, were also acquitted by the Juvenile Justice Board, Palwal,

vide its judgment dated 19.12.2019 (P-3).

Thus, counsel submits that prosecution has completely failed in proving it's case, and rather, petitioner has also been falsely implicated in the case in hand.

3. Learned counsel further submits that petitioner was never summoned or arrested by the police, nor any proper procedure was adopted before declaring him proclaimed offender, vide order dated 03.08.2017 (P-9). However, when the factum of declaring him as 'proclaimed offender' came to the knowledge of the petitioner, he has approached this Court by way of present 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. Notice of motion.

5. Learned State counsel puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, he knowingly evade the proceedings before the trial Court. Learned State counsel further submits that looking at his behaviour, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

6. 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.***

7. 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 03.08.2017, when impugned order declaring the petitioner ‘proclaimed offender’ 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.

8. 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 03.08.2017 (P-9) 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 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.

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.

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

(SANJAY VASHISTH)
JUDGE

May 13, 2025

J.Ram

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