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

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**CRM-M-31634-2025
Date of decision: 01.07.2025**

GURCHARAN SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Ms. Samanpreet Kaur, Advocate
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

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 28.04.2025 (Annexure P-10) passed by learned Additional Sessions Judge, District Amritsar in the trial SC/597/2021 titled State Vs. Gurcharan Singh, etc. arising out of FIR No.319 dated 08.12.2020 under Sections 379-B and 34 of IPC, 1860 and under Section 25 of the Arms Act, 1959 registered at Police Station Gate Hakim District Police Commissionerate Amritsar, whereby the petitioner has been declared as proclaimed person.

2. Learned counsel for the petitioner contends that after getting released on bail on 22.07.2021, by Ld. Additional Sessions Judge, Amritsar, he was regularly attending the Court proceedings and never remained absent, except, on 09.10.2024, due to noting down of the wrong date. Resultantly, on account of non-appearance, learned Trial Court vide its impugned order dated 28.04.2025,



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declared the petitioner as 'Proclaimed Person'. For reference, same is reproduced herebelow:

"Accused Gurpreet Singh is exempted for today in view of the grounds mentioned in the written application moved on his behalf by his Counsel.

Proclamation against accused Gurcharan Singh received back duly effected. Even, separate statement of serving official has been recorded regarding due effecting of the proclamation. Proclamation proceedings were done on 23.03.2025. Neither said accused surrendered nor has been arrested by the police and produced in the Court. The statutory period of 30 days has already elapsed but the accused has failed to come present. Hence, accused Gurcharan Singh is declared Proclaimed Person. Necessary intimation in this regard be sent to the SHO, concerned police station, Amritsar to record the said factum in the relevant register and to submit monthly status report regarding efforts made for tracing the accused, who is proclaimed person on the next date i.e.27.05.2025.

Surety Amrik Singh has failed to appear despite intimation ofailable warrants. Notice to the Collector to recover bond amount from said surety u/s 446 Cr.P.C. be issued for date fixed.

Accused Tanishq Bedi and Jashandeep Singh alias Jashan not produced from custody. Their production warrants be issued for date fixed.

As requested by ld. Addl.PP for the State, summons to Pws cited at Sr.No.11 and 13 be also issued for date fixed ie.27.05.2025."

3. Learned counsel for the petitioner further submits that petitioner is inclined to join the process of law before learned Trial court and undertakes to co-operate throughout the proceedings before the trial Court. Learned counsel also submits that the non-appearance of the petitioner before learned Trial Court was



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neither intentional nor a deliberate act, rather it was due to the reason explained and noticed hereinabove.

4. He contends that, if one more opportunity is afforded to the petitioner to appear by granting some protection from arrest, he undertakes that in all the future proceedings of the present case, he would never be absent from the Court, except by obtaining prior permission from the Court, and thus will fully cooperate in the Court proceedings for early completion of trial.

5. Notice of motion.

6. Mr. Neeraj Madaan, Sr. DAG, Punjab 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 behavior, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

7. 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.

8. 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



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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.***

9. 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 reason mentioned above and on 28.04.2025, 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



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passing of the impugned order, the petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

10. 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 28.04.2025 (P-10) 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 16.07.2025.

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.

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

01.07.2025
amandeep

(SANJAY VASHISTH)
JUDGE

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