



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

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**CRM-M-32843-2025
Decided on : 01.07.2025**

Ranbir Singh

... Petitioner(s)

Versus

Shriram Finance Ltd.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Imran Farooqi, Advocate
for the petitioner(s).

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 27.03.2025 (Annexure P-2), whereby the petitioner has been declared as 'proclaimed person' in case No. NACT-141-2023, titled as, "Shriram Finance Ltd. v. Sajjan Etc.", on account of his non-appearance in complaint case filed u/s 138 of Negotiable Instruments Act, 1881 (for brevity, 'NI Act'), dated 31.01.2023, Police Station City-I Malerkotla, District Malerkotla (Annexure P-1).

2. Learned counsel for the petitioner submits that complainant – Shriram Finance Ltd. (respondent herein), filed a complaint against the petitioner u/s 138 of NI Act, alleging therein that petitioner availed a loan for his vehicle, but defaulted on repayment. Subsequently, petitioner issued Cheque No.551486, dated 24.11.2022, for an amount of Rs.4,88,267/-, however, the same was dishonored due to insufficient funds.

Further, submits that Ld. JMIC, Sangrur, issued summons for the petitioner's appearance, however, record indicates reliance on a 'track consignment record' to presume delivery of the summons, without any proof

of personal service. Thereafter, on the basis of alleged non-appearance, proclamation proceedings u/s 82 Cr.P.C. were initiated, and ultimately, petitioner was declared 'proclaimed person' vide impugned order dated 27.03.2025 (P-2).

3. Learned counsel further submits that the impugned order has been passed solely on the basis of presumed service and without affording any actual opportunity to the petitioner of being heard and participate in the proceedings.

Therefore, learned counsel submits that absence of petitioner from the proceedings was due to the aforementioned reasons, which is neither intentional nor deliberate.

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

5. 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 by the complainant *qua* his rights.

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, due to which on 27.03.2025, 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 27.03.2025 (P-2) 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.

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

(SANJAY VASHISTH)
JUDGE

July 01, 2025

J.Ram

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