

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

Sr. No.119

CRM-M-37755-2024 (O&M)

Decided on :18.02.2025

HARJINDER SINGH @ VICKY

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sahil Vashishat, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab

SANJAY VASHISTH, J.

CM-6222-2025

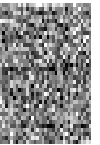
Present application has been filed by the applicant-petitioner
for fixing some early date than the already fixed date.

For the reasons stated in the application, which is duly
supported by an affidavit, same is allowed.

Main case is taken up today on Board itself.

Main Case

1. Instant petition, under Section 482 of the BNSS, 2023, has
been filed for quashing of the order dated 02.03.2024 (Annexure P-3),
passed by learned Judicial Magistrate Ist Class, Ludhiana, whereby the
petitioner has been declared as proclaimed person, on account of his
non-appearance in FIR No. 43 dated 22.02.2015, under Section 7
E.C.Act, registered at Police Station Dakha.



2. Learned counsel for the petitioner submits that the petitioner-Harjinder Singh @ Vicky was granted anticipatory bail by the Court of learned Additional Sessions Judge, Ludhiana and thereupon, the interim order was also confirmed after joining the investigation vide order dated 20.03.2015 passed by learned Additional Sessions Judge, Ludhiana (Annexure P/2). He also submits that challan was submitted and at that time, no notice was received by the petitioner and on that account, he could not appear before the Court, though there was no such intention to be absent therefrom. Resultantly, he has been declared as proclaimed person by the Court of learned Judicial Magistrate Ist Class, Ludhiana, vide the impugned order dated 02.03.2024.

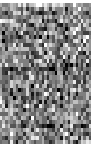
3. Further submits that in case one opportunity is granted for releasing the petitioner on bail, by protecting him from arrest, the petitioner undertakes that he would present himself before the Court to face the proceedings and will not absent himself in future, without there being prior permission 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 has misused the concession of anticipatory bail granted by the learned Additional Sessions Judge, Ludhiana. 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, this Court has considered similar plea of non-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



CRM-M-37755-2024

be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.”

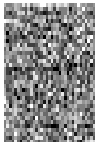
[see: Ashish Kumar Honda @ Ashish Handa v. State of Punjab, Law Finder Doc Id # 2038111; and Veena @ Veena Devi v. State of Punjab (CRM-M-2206-2025, decided on 16.01.2025)]

7. I have considered the submissions of both the sides and examined the relevant material available on record. It also cannot be left unnoticed that on coming 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 (supra) is set aside, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 05.03.2025.

9. The petitioner shall also furnish 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.

10. 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.



CRM-M-37755-2024

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

**(SANJAY VASHISTH)
JUDGE**

18.02.2025
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No