



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

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**CRM-M-39303-2025
Date of decision: 25.07.2025**

SHARANJIT KAUR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Simsi Dhir Malhotra, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH. J.(Oral)

1. Petitioner-Sharanjit Kaur, aged 52 years is presently residing in Canada and present petition has been filed through her mother Balbir Kaur for quashing of order dated 06.02.2020 (Annexure P-1), in case FIR No.164 dated 22.10.2016, under Sections 420, 465, 467, 468, 471 of IPC, registered at Police Station Mehtiana, District Hoshiarpur, by which she has been declared as proclaimed offender.

2. Learned counsel for the petitioner submits that proclamation for appearance of the petitioner was not duly effected, as the petitioner was not residing in India since 2016 and has been living in foreign country. Therefore, no proper service of proclamation, as required under Section 84 of the BNSS, 2023, was ever effected or verified by the Court. He further submits that the present petition has been filed through a General Power of Attorney holder, Balbir Kaur (mother of the petitioner).

3. Thus learned counsel submits that in case one opportunity is granted



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for releasing the petitioner on bail, by protecting her from arrest, the petitioner undertakes that she 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, she knowingly evade the proceedings before the trial Court. Learned State counsel further submits that looking at her 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 she 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



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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. 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 her inclination to submit herself before the trial Court.

Such a petition filed through General Power of Attorney though is not entertained, still in the interest of justice, more to secure the presence of the petitioner, who is accused in the criminal case and is sitting abroad, it is observed that in case petitioner comes back and join proceedings by appearing/surrendering before the Court concerned on or before 10.09.2025, operation of the order dated



06.02.2020 (Annexure P-1) by which she has been declared proclaimed offender shall remain stayed uptill that time. However, if petitioner surrender within the time mentioned herein, petitioner would be released on bail.

8. 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 she will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of her conduct.

However, this order shall be subject to the payment of Rs.25,000/- 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.

Besides, the petitioner would submit/surrender her passport before the Arresting Officer and an undertaking on oath that in case of leaving the Country, she would seek prior permission from the Investigating Agency/concerned Court.

However, it would be open for the petitioner to go abroad, in case any necessity arises, only after seeking prior permission from the learned trial Court.

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

25.07.2025
amandeep

(SANJAY VASHISTH)
JUDGE

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