



CRM-M-38961-2025 & CRM-M-38182-2025

- 1-

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

146 + 327

Date of decision: 24.07.2025

1. CRM-M-38961-2025

MANDEEP SINGH ALIAS MANDIP SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

2. CRM-M-38182-2025

MANDEEP SINGH ALIAS MANDIP SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. S.S. Saron, Advocate for the petitioner.

SANJAY VASHISTH. J.(Oral)

1. This order shall dispose of two petitions i.e. **CRM-M-38961-2025** and **CRM-M-38182-2025**, as the same have emanated out of the same occurrence.

CRM-M-38961-2025 has been filed for seeking quashing of the order dated 16.05.2025 (Annexure P-9) whereby, Additional Chief Judicial Magistrate, SBS Nagar has issued non-bailable warrants of arrest against the petitioner in case FIR No.0098 dated 27.10.2008 (Annexure P-1) under Sections 307, 323, 324, 148, 149 IPC and Sections 25 and 27 of Arms Act, registered at Police Station Rohan, District SBS Nagar.

CRM-M-38182-2025 has been filed by the petitioner for grant of pre-arrest bail in FIR No.98 dated 27.10.2008, registered at Police Station Rahon,



CRM-M-38961-2025 & CRM-M-38182-2025

- 2-

District Shaheed Bhagat Singh Nagar, Punjab, under Sections 323, 324, 148 and 149 of IPC.

2. Learned counsel for the petitioner submits that FIR was registered way back on 27.10.2008 and there was no information with the petitioner to join the proceedings in the said FIR, and subsequently on 16.10.2012 he was declared as proclaimed offender in the said case.

3. The said order was assailed by the petitioner before this Court by way of CRM-M-38010-2023, which was disposed of vide order dated 11.08.2023 (Annexure P-6), directing the petitioner to surrender before the learned trial Court within 07 days and till then no coercive steps were ordered to be taken against him.

4. Petitioner further points out that in compliance to the said direction, petitioner had appeared before the trial Court within the stipulated period and thereupon was released on bail. In the due course, supplementary challan was also submitted against the petitioner on 04.10.2023.

5. Referring to para 13 of the petition, counsel submits that right from 04.10.2023 till 25.03.2025, petitioner was continuously appearing before the learned trial Court on all the dates, except once on 25.04.2025, when on account of his absence, his bail was cancelled and notice was issued to the petitioner. Subsequent thereto non-bailable warrants were issued on 16.05.2025 and again proclamation proceedings were initiated on 04.07.2025, however, as of now, there is no order against the petitioner, declaring him as proclaimed offender. For reference and clarity the chart referred in para No.13 of the petition is reproduced hereunder:-

<i>Sr. No.</i>	<i>Date</i>	<i>Purpose</i>	<i>Presence of petitioner</i>
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CRM-M-38961-2025 & CRM-M-38182-2025

- 3-

1.	04.10.2023	<i>Presentation of supplementary challan</i>	<i>Present</i>
2.	10.10.2023	<i>Consideration on charge</i>	<i>Present</i>
3.	30.10.2023	<i>Consideration on charge</i>	<i>Present</i>
4.	21.12.2023	<i>Consideration on charge</i>	<i>Exemption filed</i>
5.	29.01.2024	<i>Consideration on charge</i>	<i>Present</i>
6.	28.02.2024	<i>Charged framed</i>	<i>Present</i>
7.	22.02.2024	<i>Prosecution evidence</i>	<i>Present</i>
8	02.03.2024	<i>Prosecution evidence</i>	<i>Present</i>
9	07.03.2024	<i>Prosecution evidence</i>	<i>Present</i>
10	13.03.2024	<i>Prosecution evidence</i>	<i>Present</i>
11	18.03.2024	<i>Prosecution evidence</i>	<i>Present</i>
12	30.03.2024	<i>Prosecution evidence</i>	<i>Present</i>
13	04.04.2024	<i>Prosecution evidence</i>	<i>Present</i>
14	14.05.2024	<i>Prosecution evidence</i>	<i>Present</i>
15	17.07.2024	<i>Prosecution evidence</i>	<i>Exemption filed</i>
16	20.09.2024	<i>Prosecution evidence</i>	<i>Present</i>
17	22.11.2024	<i>Prosecution evidence</i>	<i>Exemption filed</i>
18	17.01.2025	<i>Prosecution evidence</i>	<i>Present</i>
19	31.01.2025	<i>Prosecution evidence</i>	<i>Present</i>
20	06.02.2025	<i>Prosecution evidence</i>	<i>Present</i>
21	11.02.2025	<i>Prosecution evidence</i>	<i>Present</i>
22	13.02.2025	<i>Prosecution evidence</i>	<i>Present</i>
23	18.02.2025	<i>Prosecution evidence</i>	<i>Present</i>
24	25.03.2025	<i>Prosecution evidence</i>	<i>Exemption filed</i>
25	25.04.2025	<i>Notice issued to petitioner</i>	<i>Absent</i>
26	16.05.2025	<i>Non-bailable warrants issued</i>	<i>Absent</i>
27	04.07.2025	<i>Proclamation proceedings initiated</i>	<i>Absent</i>

**CRM-M-38961-2025 & CRM-M-38182-2025**

- 4-

6. It is further informed that in the appeal proceedings before the Court of Sessions, SBS Nagar, the dispute was in fact completely settled and this fact has been noticed in the order dated 15.01.2016 (Annexures P-4 and P-5).

7. Additionally, counsel submits that if one more chance is given, he is ready to join the proceedings, even subject to payment of some cost.

8. Notice of motion.

9. 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 has misused the concession of bail granted by the Court. Learned State counsel by pointing out the irresponsible conduct of the petitioner, submits that there is every possibility that for the purpose of delaying the trial, he would again be absenting during the proceedings.

10. In number of cases, this Court has been experiencing the situation wherein, accused stopped appearing before trial Court in the criminal cases after being released on bail and thereby compelling the Court to issue non-bailable warrants by cancelling the bail already granted or such accused has been declared 'Proclaimed Person'/Proclaimed Offender'. After examining the facts from several cases, this Court has formulated and applied a uniform method by satisfying itself that such accused would appear before the concerned Court, to enable it to proceed further, instead of delaying the proceedings to await the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case in which he is 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 after examining the nature of crime in



CRM-M-38961-2025 & CRM-M-38182-2025

- 5-

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 *vis a vis* 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.***

11. 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.

**CRM-M-38961-2025 & CRM-M-38182-2025**

- 6-

12. 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** to the extent of issuance of non-bailable warrants against the petitioner, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 08.08.2025.

13. The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court, in case the bail bonds have already been forfeited. 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.

14. However, this order shall be subject to the payment of Rs.50,000/- 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.

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

16. Since the P.O proceedings arising out of FIR No.98 dated 27.10.2008, under Sections 307, 323, 324, 148, 149 IPC and Sections 25 and 27 of Arms Act, registered at Police Station Rohan, District SBS Nagar, has already been quashed, as such no further order is required to be passed in CRM-M-38182-2025, as same has become infructuous.



CRM-M-38961-2025 & CRM-M-38182-2025

- 7 -

16. Hence both the petitions stand disposed of.
17. A photocopy of this order be placed on the file of the connected case.

24.07.2025
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(SANJAY VASHISTH)
JUDGE

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