



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

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**CRM-M-44775-2025
Decided on : 20.08.2025**

Randhir Singh

... Petitioner

Versus

Mahinder

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**PRESENT:** Mr. Manoj K. Sharma, Advocate for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. Present petition is being filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the order dated 18.07.2025 (Annexure P-3), passed by the learned Judicial Magistrate First Class, Hansi, whereby the petitioner has been declared a Proclaimed Person in Complaint No. NACT-357-2019, dated 10.10.2019, along with all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that pursuant to the said complaint, the petitioner was granted bail and had been regularly appearing before the learned Trial Court. Subsequently, the petitioner moved an application seeking exemption from personal appearance on medical grounds. However, the said application was dismissed, and petitioner's bail bonds were cancelled due to his non-appearance vide order dated 01.04.2025. Thereafter, in view of his continued absence, the learned Trial Court, vide order dated 18.07.2025, declared the petitioner a Proclaimed Person.

3. Learned counsel further submits that the petitioner's absence



was neither intentional nor deliberate, but was solely due to his medical condition and ongoing treatment, which rendered him unable to attend the court proceedings. The petitioner is, however, ready and willing to surrender before the learned Trial Court and to participate in the proceedings to facilitate the early disposal of the case. The petitioner undertakes to fully cooperate with the trial and comply with all directions of this Court.

4. He further 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. I have heard learned counsel for the petitioner and noted that the dispute is between the petitioner (accused) and the respondent-complainant, on whose complaint under Section 138 of the Negotiable Instruments Act the petitioner was summoned and has now been declared a Proclaimed Person. Since the disposal of the present petition will facilitate the Trial Court in continuing with the proceedings in the complaint filed by the respondent, this Court does not find it necessary to summon the respondent's presence.

Moreover, petitioner has expressed his willingness to cooperate with the legal process and, by way of the present petition, seeks one opportunity to join the proceedings before the learned Trial Court, subject to such terms and conditions as may be imposed.

6. In number of cases, wherein, accused stopped appearing in criminal cases, the Courts are compelled to declare accused as 'Proclaimed



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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 realized 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 *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



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case *Veena @ Veena Devi v. State of Punjab (CRM-M-2206-2025, decided on 16.01.2025).*

7. 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 18.07.2025 Annexure P-3) 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 05.09.2025.

8. 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. However, this order shall be subject to the payment of Rs.10,000/- (Rupees ten thousand only) 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.

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

(SANJAY VASHISTH)
JUDGE

20.08. 2025

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