



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-46903-2025
Decided on : 28.08.2025

Amarjeet Singh . . . Petitioner(s)
Versus
State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Heman Aggarwal, Advocate
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

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 09.01.2025 (Annexure P-2), passed by Ld. ACJM, Gurugram (in short, ‘Ld. ACJM’), whereby the petitioner has been declared as ‘proclaimed person’, on account of his non-appearance in the following FIR:-

FIR No.	Date	Section(s)	Police Station	District
996	17.10.2017	406, 420, 506, 201 of IPC, 1860	Sadar Gurugram	Gurugram

2. Learned counsel for the petitioner submits that the petitioner – Amarjeet Singh, was arrested on 07.01.2025 by the police of Police Station Sadar, Karnal, in another case, i.e., FIR No.188 dated 01.03.2024, registered under Sections 406 and 420 IPC.

It is further submitted that the petitioner is still confined in Karnal Jail, and for this reason he could not appear before the learned ACJM on 09.01.2025. This fact also finds support from the order of the learned Additional Sessions Judge, Karnal, dated 14.05.2025 (Annexure P-3), which records that the petitioner has been in judicial custody since 07.01.2025.

Thus, it is evident that the impugned order dated 09.01.2025, vide which the petitioner was declared as a 'proclaimed person', came to be passed and executed just two days after his arrest in the aforesaid FIR No.188 dated 01.03.2024.

3. Learned counsel further submits that as soon as the petitioner came to know about the order declaring him as a 'proclaimed person', he has approached this Court by filing the present petition. It is prayed that since the petitioner is already in judicial custody in District Prison, Karnal, one opportunity may be granted by setting aside the proclamation order and releasing him on bail in the present case. The petitioner undertakes that he will not absent himself in future without prior permission of the Court and shall 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 knowingly evade the proceedings before the trial Court. 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, 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 only on one date i.e. on 09.01.2025, when impugned order declaring the petitioner ‘proclaimed person’ 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 09.01.2025 (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 **15.09.2025**.

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

August 28, 2025

J.Ram

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