



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

CRM-M-48815-2025

Date of decision: 03.09.2025

BIKRAMJIT SINGH @ VICKEY CHAHAL

....Petitioner

Versus

HARDEV SINGH

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Ritesh Pandey, Advocate for the petitioner.

.....
RUPINDERJIT CHAHAL, J. (ORAL)

This petition under Section 528 of BNSS, 2023 is filed seeking quashing of the order dated 21.02.2023 (Annexure P-4) passed in criminal complaint filed under Section 138 of the Negotiable Instruments Act bearing No. NACT/91/2020 dated 06.02.2020, titled as “*Hardev Singh vs. Bikramjit Singh @ Vicky Chahal*” vide which the petitioner was declared proclaimed person.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and has been facing trial since 2020. However, on 04.11.2022 the petitioner could not appear before the learned Trial Court as he was ill for a couple of months and to support his contention he has placed on record the copy of medical investigation report (Annexure P-2). Resultantly, vide order dated 04.11.2022 (Annexure P-3) the bail of the petitioner was cancelled and his bail/surety bonds were cancelled and forfeited to the State and ultimately the petitioner was declared as proclaimed person on 21.02.2023 (Annexure P-4).



3. Notice of motion.

4. Learned State counsel puts an appearance and opposes the request of the petitioner by pointing that the petitioner has hoodwinked the process of law as such, his present petition deserves to be dismissed. There is every possibility that he will again absent himself from the proceedings which will delay the trial.

5. There are number of situations where the learned Trial Court to secure the presence of the accused has to use coercive methods by issuing non-bailable warrants and in some cases even declaring them proclaimed offender/proclaimed person. Continuing these proceedings would further delay the trial below as the presence of accused is necessary for the continuation of the trial. As such, this Court deems it appropriate that in such like situation accused be directed to appear before the learned Trial Court so that trial may continue.

6. Whether the default on the part of the accused is intentional or unintentional depends on facts of each case. In cases where it is found that absence of accused was intentional to evade the process of law, the accused can be penalised by imposing some cost.

7. In the present case, the petitioner did not appear on 04.11.2022 before the learned Trial Court and ultimately on 21.02.2023 he was declared as proclaimed person. By filing the present petition the petitioner has shown his intention to submit before the learned Trial Court.

8. Considering the totality of circumstances, this Court is of the view that the petitioner can be directed to appear before the trial Court, so that trial may resume. Accordingly, plea of the petitioner is accepted. Impugned order dated 21.02.2023 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 25.09.2025. subject to payment of 20,000/- as costs to be deposited by the petitioner in the Poor Patient Welfare Fund, PGIMER Chandigarh.

9. The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner will also submit an undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings will not be delayed because of his conduct.

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

03.09.2025
puneet

(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No