



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

**CRM-M-49938-2025
Date of decision: 08.09.2025**

MANDEEP SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANR.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Kiran Kumar Madan, Advocate for the petitioner.

Mr. Ravinder Singh, DAG Punjab.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. The instant petition under Section 528 of BNSS has been filed for quashing of the order dated 16.07.2025 (Annexure P-4), passed by learned Additional Sessions Judge, Jalandhar in case bearing No.SC-177 of 2024 in case FIR No.94 dated 02.08.2021 registered under Sections 379-B, 342, 323, 506 and 120-B IPC at P.S. Division No.3, Jalandhar (Annexure P-1) vide which the petitioner was declared as proclaimed person.

2. Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case. He contends that the petitioner has been facing the trial since 2021, however, on 09.05.2024 the petitioner had inadvertently noted down wrong date of hearing as 05.07.2024 instead of 05.08.2024. He further contends that on 05.08.2024 he was out of station and tried to contact his counsel who could not pick his phone.



Resultantly, vide order dated 16.07.2025 the petitioner was declared as proclaimed person.

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 several occasions from 05.08.2024 onwards before the learned Trial Court and ultimately on 16.07.2025 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 16.07.2025 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 Rs.50,000/- as costs to be deposited by the petitioner in Punjab State Legal Services Authority-Disaster Relief Fund, Account No.44426937384, IFSC:SBIN0014656, State Bank of India, Sector 68, SAS Nagar, Mohali..

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.

08.09.2025
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(RUPINDERJIT CHAHAL)
JUDGE

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