



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

138-2

CRM-M-49883-2025 (O&M)

Decided on : 04.12.2025

Tej Partap Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**PRESENT:** Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner(s).

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)**CRM-35770-2025**

Allowed as prayed for.

CRM-M-49883-2025

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of order dated 09.12.2024 (Annexure P-5), whereby the petitioner has been declared a 'proclaimed person' on account of his non-appearance in Case No. CHI/493/2022, titled "*State v. Tej Pratap Singh & Anr.*", arising out of FIR No.0088 dated 18.06.2016, registered under Section 420 IPC and Section 36(1) of the Punjab Apartment and Property Regulation Act, at Police Station Sadar Patiala, District Patiala, as well as all consequential proceedings arising therefrom; in view of the compromise dated 17.07.2025 (P-9) arrived at between the parties.

2. Primarily, learned counsel for the petitioner submits that the dispute has been resolved between the parties, i.e., the petitioner and the

complainant, and thus, he shows willingness to join proceedings before the Court below, if protected from arrest. It is further submitted that the petitioner was initially released on bail after registration of the FIR in 2016, and was granted anticipatory bail by this Court vide order dated 24.05.2017 (P-2). However, the final report/challan was submitted at a much belated stage, which was never in the knowledge of the petitioner, as he was not served with any notice in this regard. In support, learned counsel refers to zimni orders dated from 27.06.2022 to 17.07.2025 (P-3).

It is further submitted that the petitioner moved an application for anticipatory bail on 05.12.2024 (P-4) and, thereafter, the Court below granted him concession of bail vide order dated 23.12.2024 (P-6), with a direction to surrender before the learned trial Court/Duty Magistrate within 10 days to its satisfaction. However, the petitioner was unable to surrender as directed, due to his inability to arrange surety required to be furnished before the trial Court/Duty Magistrate. Consequently, an application dated 13.02.2025 (P-7) for extension of time for furnishing bail/surety bonds was filed, but the same was dismissed vide order dated 14.02.2025 (P-8).

3. Learned counsel further submits that in the first week of July 2025, compromise talks were initiated and during this period, the petitioner came to know about the impugned order dated 09.12.2024 (P-5), vide which he was declared a 'proclaimed person'. However, since the dispute between the parties now stands finally resolved vide compromise dated, 17.07.2025 (P-9), the present petition is filed immediately, after the petitioner gained knowledge about the impugned order.

It is submitted that the petitioner was neither served nor he was aware about the proceedings leading to the impugned order declaring him as a 'proclaimed person'.

Thus, learned counsel submits that if one opportunity is granted by protecting the petitioner from arrest for the purpose of releasing him on bail, he undertakes that he shall not absent himself in future without prior permission of the Court and shall fully cooperate for early conclusion 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 due the reasons mentioned here-above, and consequently, impugned order (P-5) declaring the petitioner as ‘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 immediately 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 09.12.2024 (P-5) 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 **24.12.2025**.

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.

However, this order shall be subject to the payment of Rs.25,000/- 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.

9. **With aforementioned terms, present petition stands disposed of.**

Pending misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

December 04, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*