



CRM-M-53315-2024 (O&M) & - 1 -
CRM-M-9144-2025

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

Decided on: 04.03.2025

1. CRM-M-53315-2024 (O&M)

Kulwinder Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

2. CRM-M-9144-2025

Karan Singh @ Karan Singh Jaspal

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

**Present: Mr. Ajay Pal Singh Rehan, Advocate,
for the petitioner(s).**

Mr. Mohit Kapoor, Sr. DAG, Punjab.

**Ms. Ruby Kaur, Advocate,
for respondent No. 2.**

SANJAY VASHISTH, J. (Oral)

CRM-7422-2025 in CRM-M-53315-2024

1. This application has been filed by the applicant-petitioners for withdrawal of the main petition i.e. CRM-M-53315-2024, however, learned counsel for the applicant-petitioners prays for withdrawal of the same, at this stage.

2. Accordingly, present criminal miscellaneous application is dismissed as withdrawn.



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CRM-M-53315-2024 & CRM-M-9144-2025:

1. Petitioners, namely, Kulwinder Singh and Karan Singh Jaspal, approached this Court, by filing CRM-M-53315-2024, under Section 528 of BNSS, 2023, seeking quashing of order dated 28.02.2024, passed by learned Judicial Magistrate Ist Class, Dasuya, District Hoshiarpur, in Criminal Complaint Case No. COMI/5/2022, CNR No. PBHOA10000592022, dated 14.01.2022, under Sections 379-B, 323, 324, 506 and 34 IPC, titled as “Bawa Singh v. Kulwinder Singh etc.”, whereby they have been declared as proclaimed persons.

And, Karan Singh @ Karan Singh Jaspal (petitioner No. 2 in CRM-M-53315-2024) also filed a separate petition, i.e. CRM-M-9144-2025, under Section 482 of BNSS, 2023, for grant of anticipatory bail to him in aforementioned criminal complaint case, wherein he was summoned under Sections 390, 323, 324, 506 & 34 IPC, vide summoning order dated 05.07.2023, and thereafter declared as a proclaimed person vide order dated 28.02.2024.

2. On the very outset, learned counsel for petitioners informs the Court that since Kulwinder Singh (petitioner No. 1 in CRM-M-53315-2024) has already been arrested, and therefore, he confines his prayer in CRM-M-53315-2024, only qua petitioner No. 2 - Karan Singh Jaspal. Thus, prays that CRM-M-53315-2024 may be disposed of as having been rendered infructuous qua petitioner No. 1 – Kulwinder Singh.

Ordered accordingly.



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3. It is submitted that in CRM-M-53315-2024, petitioner No. 2 has challenged the order dated 28.02.2024, whereby he has been declared a proclaimed person in the complaint case, wherein he is ready to join the process of law. However, due to the reason that petitioner has been declared a proclaimed person, he is unable to appear before the Court. Thus, prays for pre-ponement of date of hearing of CRM-M-53315-2024, which is fixed for 15.05.2025.

4. Learned Senior DAG, who is already possessed with the brief, does not oppose the request of learned counsel for the petitioner. However, Ms. Rubi Kaur, learned counsel appearing on behalf of respondent No. 2 - complainant opposes the pre-ponement of hearing of the present petition and submits that there is no such urgency in the matter, therefore, CRM-M-53315-2024 be heard on the date already fixed, i.e. 15.05.2025.

5. Impugned order dated 28.02.2024, whereby petitioner – Karan Singh @ Karan Singh Jaspal was declared as a proclaimed person, was passed by the Court below on account of his non-appearance, who is a summoned accused in complaint case. For procuring the presence of the accused before the Court at the earliest, it is discretion of the Court to adopt the right course of method, as per law and complainant cannot raise any objection on such issues, which are required to be dealt with by the Court only.

6. Accordingly, prayer made by learned counsel for petitioner No. 2 is accepted, and hearing of CRM-M-53315-2024 is pre-poned from 15.05.2025 to 04.03.2025, i.e. today itself and the same is taken on board for hearing.



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7. Learned counsel for petitioner – Karan Singh @ Karan Singh Jaspal argues that he never received any summons in the complaint case, therefore, could not appear before the Court and resultantly, the impugned order dated 28.02.2024 has been passed. However, he submits that on coming to know of the declaration of him as proclaimed person in recent past, he immediately approached this Court by filing CRM-M-53315-2024 and CRM-M-9144-2025, and is very much inclined to join the proceedings in the complaint case.

Further submits that in case one more opportunity is granted to petitioner – Karan Singh @ Karan Singh Jaspal, for his appearance before the Court, by protecting him from arrest, the petitioner undertakes that he would not absent himself in future, without there being prior permission from the Court, and fully cooperate for early disposal of the trial.

8. In number of cases, wherein, accused stopped appearing in criminal cases after being released on bail and thereby compelling the concerned Court to issue non-bailable warrants by cancelling the bail already granted or such accused is declared ‘Proclaimed Person’/Proclaimed Offender’, after examining the facts, this Court has formulated to apply a uniform method by satisfying itself that such accused would appear before the concerned Court, to enable it to proceed further instead of delaying the proceedings to await the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts of each case. Where it is realised that



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absence or prolonged absence of an accused is intentional either to evade the process of law or just to prolong the Court proceedings unnecessarily, he/she can be penalized adequately by imposing some cost amount, subject to the nature of the offence committed and capacity of the accused to pay the costs.

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 v. State of Punjab, 2022 (4) R.C.R. (Criminal) 765; Law Finder Doc Id # 20238111**, considered similar plea of non-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 the case of **Veena @ Veena Devi v. State of Punjab (CRM-M-2206-2025, decided on 16.01.2025)**.



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9. Another fact, which is being noticed is that in CRM-M-9144-2025, there is prayer for grant of concession of anticipatory bail in the aforesaid complaint case to petitioner – Karan Singh @ Karan Singh Jaspal, which has been instituted at the behest of respondent No. 2, as a counterblast to FIR No. 149, dated 15.07.2021, under Sections 323, 325 and 34 IPC, registered at Police Station Dasuya, District Hoshiarpur.

10. On 17.02.2025, when CRM-M-9144-2025 came up for consideration, the following order was passed by this Court:-

*“Present: Mr. Ajay Pal Singh Rehan, Advocate,
for the petitioner.*

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1. *Present petition has been filed by the petitioner, for grant of anticipatory bail in criminal complaint case No. COMI/5/2022 dated 14.01.2022 (Annexure P-2), under Sections 379-B, 323, 324, 506 and 34 of IPC, titled as ‘Bawa Singh vs. Kulwinder Singh etc’, in which petitioner was summoned under Sections 390, 323, 324, 506 and 34 of IPC, vide summoning order dated 05.07.2023, passed by JMIC, Dasuya, District Hoshiarpur, and thereafter declared as proclaimed person, vide order dated 28.02.2024, passed by the said Court.*

2. *Learned counsel for the petitioner, inter alia, contends that regarding the same incident, one FIR No. 149 dated 15.07.2021, under Sections 323, 325 and 34 of IPC, was registered at Police Station Dasuya, District Hoshiarpur, at the instance of the petitioner.*

Subsequently, as a cross-version, at the instance of the accused-party in FIR No. 149 the criminal complaint in the present petition filed before the Court by Bawa Singh, and petitioner has been summoned along with other family members, as accused for committing offence under Sections 390, 323, 324, 506 and 34 of IPC.

3. *Counsel for the petitioner submits that the petitioner never received summons, and primarily, the complaint has been filed only to pressurize the petitioner to withdraw the FIR No. 149. Thus, counsel submits that petitioner is ready to join the process of law by appearing before the Court, however, he being declared proclaimed*



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person as of now, need some protection from arrest. He also submits that custodial interrogation of the petitioner is also not required in the present case.

Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.

4. *Notice of motion.*

5. *On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts in appearance on behalf of the respondent-State.*

At this stage, it is brought to the notice of this Court that another petition i.e. CRM-M-53315-2024 filed by the petitioner for setting aside the order dated 28.02.2024, whereby he has been declared as proclaimed person, is pending adjudication for 15.05.2025.

6. *Adjourned to 24.02.2025.”*

11. In totality of circumstances, I am of the view that the petitioner – Karan Singh @ Karan Singh Jaspal can be given one chance to appear before the trial Court, so that proceedings in Criminal Complaint Case No. COMI/5/2022, CNR No. PBHOA10000592022, dated 14.01.2022, under Sections 379-B, 323, 324, 506 and 34 IPC, titled as “Bawa Singh v. Kulwinder Singh etc.”, may restart and continue in smooth manner.

Accordingly, plea of the petitioner – Karan Singh @ Karan Singh Jaspal is accepted. Impugned order, dated 28.02.2024, passed by learned Judicial Magistrate Ist Class, Dasuya, District Hoshiarpur, qua the petitioner – Karan Singh @ Karan Singh Jaspal is set aside. Petitioner – Karan Singh @ Karan Singh Jaspal is directed to appear before the Court below on or before 17.03.2025, and in the eventuality of surrender by him before the Trial Court, he shall be released on bail.



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12. Petitioner – Karan Singh @ Karan Singh Jaspal shall also furnish bail bonds/surety bonds to the satisfaction of the trial Court. Besides, he 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.

13. With aforementioned terms, both the petitions, i.e. CRM-M-53315-2024 and CRM-M-9144-2025, are disposed of.

14. While disposing of CRM-M-53315-2024, it is noticed that another direction petition, bearing CRM-M-27510-2024, filed by complainant-party (Bawa Singh), is also tagged along with CRM-M-53315-2024, pursuant to order dated 25.10.2024, passed by co-ordinate Bench of this Court.

The issue involved in CRM-M-27510-2024 is quite different than CRM-M-53315-2024, which has already been disposed of today. Accordingly, CRM-M-27510-2024 is detagged and the same be listed on the date already fixed, i.e. 15.05.2025.

A photocopy of this order be placed on the file of CRM-M-9144-2025 and CRM-M-27510-2024.

(SANJAY VASHISTH)
JUDGE

March 04, 2025
vinod*/Pkapoor

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**