



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

CRM-M-51080-2025

Date of decision: 12.09.2025

HARPREET KUMAR**....Petitioner****Versus****STATE OF PUNJAB****....Respondent****CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present:- Mr. Gurmehar Singh Minhas, 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 17.03.2025 (Annexure P-2), passed by learned Judicial Magistrate First Class, Jalandhar, whereby, the petitioner has been declared proclaimed offender in case bearing FIR No.123 dated 18.05.2020 at P.S. Division No.6, Jalandhar registered under Sections 160, 147, 148, 149, 188 IPC and Section 61/1/14 of Excise Act and Section 3 of Epidemic Diseases Act.

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 2020, however, on 13.11.2024 the petitioner could not appear before the learned Trial Court as he suffered major accident and was admitted in hospital. Consequently, on 17.03.2025, proclamation proceedings were initiated against him and he was declared as proclaimed offender. Learned counsel for the petitioner in order to support



his contention has placed on record the copy of medical documents as Annexure P-3.

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 13.11.2024 before the learned Trial Court and ultimately on 17.03.2025 he was declared as proclaimed offender. 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 17.03.2025 is set aside to the extent of declaring the petitioner as ‘proclaimed offender’, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 26.09.2025 subject to payment of Rs.20,000/- 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. It is made clear that in case, petitioner fails to appear before the trial Court within a stipulated period, this order shall be deemed to be vacated.

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

12.09.2025

puneet

(RUPINDERJIT CHAHAL)
JUDGE

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