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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51157-2025 (O&M)
Date of Decision: 15-09-2025

Akashdeep Singh Alias Deepu and Another
State of Punjab and another

Versus

.....Petitioner(s)
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amardeep Singh, Advocate for the petitioner.
Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J. (Oral)

FIR No.	Dated	Police Station	Sections
12	4.2.2023	Mallanwala, District Ferozepur	341, 323, 34 IPC

Seeking the quashing of proclamation order Annexure P-1 in FIR captioned above, the accused has come up before this court under Section 528 of the BNSS, 2023.

2. Petitioners were arraigned as an accused in the above-captioned matter. Challan was presented before the trial Court and petitioners appeared and they were asked to furnish bail bonds, but due to their failure to furnish bail bonds, their arrest warrants were issued. The concerned Court finally proceeded against the petitioners under section 82 of CrPC and declared the petitioners proclaimed offenders vide order dated 02-07-2025.

3. The petitioners' counsel seeks quashing on the ground of non-compliance with the mandatory provisions of Section 82 CrPC. Counsel submits that the time of 30 days is mandatory, which must be given to any accused to put in an appearance, which was not given in the present case. The petitioners’ counsel further submits that absence of the petitioners was not willful and was due to factors beyond the petitioner’s control.

4. Notice served upon the official respondent through State counsel. The nature of order which this Court proposes to pass, there is no necessity of calling any response from the State.

5. An analysis of the submissions and the petition would lead to the following outcome. It remains undisputed that when the petitioners got to know about their being declared proclaimed offenders, they took legal remedy and came up before this Court. It also remains undisputed that it never happened that police officials caught them or they

tried to run away to avoid an appearance in Court. In such a situation, the petitioners have proved their case by a preponderance of probabilities and have *prima facie* established that their non-appearance was beyond their control. The petitioners within a short span on their own came before this Court, undertaking to attend the trial, and it is not the police who have been able to arrest them.

6. Let the petitioners attend the trial because the criminal justice system must not hamper and suffer because of the petitioners.

7. The primary object of the service is to secure the accused's presence at trial. The petitioners approached this court independently, establishing the *bona fide* at this stage. Without commenting on the case's merits, and in the facts and circumstances peculiar to this case, and also for the reasons mentioned above, the ends of justice would meet if the impugned proclamation order is quashed qua the petitioners. Thus, exercising the inherent powers under section 528 BNSS, it would be appropriate to grant the following limited relief to the petitioners, subject to the compliance of the conditions mentioned in this order.

8. The State's counsel submitted that if this Court is granting any concession to the petitioners, it must be subject to some reprimand. The petitioner's counsel declared that if this court imposes reasonable and affordable costs, the petitioners shall deposit the same.

9. Given the submission of the petitioners, nature of offence, the petitioners are directed to surrender before the trial Court on or before 29.9.2025 at 11-00 a.m. and on their appearance, the trial Court shall release them on bail on the same day on furnishing usual bonds, keeping in view the past conduct of the petitioners. This order is subject to payment of Rs.5,000/- each by the petitioners in PGI Poor Patients Welfare Fund, PGIMER, Chandigarh.

10. There shall be stay on petitioners' arrest till 29.09.2025 till 4-00 p.m. and the impugned order shall stand quashed, on appearance of petitioners before the trial Court and all warrants, if any, issued shall stand cancelled. It is further clarified that if petitioners fail to appear before the trial Court, by the given date and time, in that case, this order shall stand recalled automatically, without further reference to this Court.

11. **Petition allowed subject to the compliance mentioned above.** All pending application(s), if any, shall stand disposed of.

15-09-2025
AK

(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO