



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

265

CRM-M No.54465 of 2024 (O&M)
Date of decision: 11.11.2025

Rajesh Kumar

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. This is a petition, filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), for quashing of the order dated 14.07.2023, (Annexure P-3), passed by the Court of learned Judicial Magistrate Ist Class, Derabassi (hereinafter referred to as 'trial Court'), whereby he was declared a proclaimed offender.

2. It has been contended on behalf of petitioner that on 06.04.2019, when the case was fixed for appearance of the petitioner, the petitioner failed to appear before the learned trial Court and consequently his bail was cancelled, his bail/surety bonds were forfeited to the State and warrant of arrest issued against him. The learned counsel for the petitioner has further contended that thereafter the petitioner could not appear before the Court as he was already in custody in some other case and subsequently, vide order dated 14.07.2023 the petitioner was declared a proclaimed offender.



3. In view of above, once it is an admitted fact that the petitioner was not present before the learned trial Court in compliance with the conditions imposed in bail order, it is hereby held that the learned trial Court was left with no option but to cancel the bail order, forfeit the bail bonds and issue warrant of arrest against the petitioner. Since apparently, there is no illegality in the abovementioned order, there is no scope of interference in the impugned order.

4. At this stage, learned counsel for the petitioner has sought liberty for the petitioner to surrender before the learned trial Court and move an application for bail, which should be disposed of in a time bound manner.

5. In view of above, the present petition is hereby disposed of with a direction to the petitioner to surrender before the learned trial Court. If he surrenders before the learned trial Court and moves an application for bail, the learned trial Court is directed to dispose of the bail application within one week. It is however clarified that the learned trial Court in the exercise of its discretion shall be at liberty to take the petitioner in judicial custody or impose penalty under Section 491 of BNSS (erstwhile Section 446 of CrPC).

(SURYA PARTAP SINGH)
JUDGE

11.11.2025
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No