



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

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**CRM-M-54135-2025
Decided on :24.09.2025**

Dapinder Singh(through SPA)

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Yajur Sharma, Advocate for the petitioner(s).

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. By way of present petition filed under Section 528 of BNSS, petitioner seeks quashing of the order dated 12.07.2023 (Annexure P-11) passed by the learned Judicial Magistrate First Class whereby petitioner was declared a 'proclaimed person' in case FIR No. 15 dated 12.03.2020, under Sections 323, 324, 379, 506, 148, 149 IPC, registered at Police Station Garhdiwal, District Hoshiarpur.

2. Learned counsel for the petitioner submits that Petitioner is currently residing abroad in Portugal. Counsel submits that non-bailable warrants issued earlier were never served upon the Petitioner, nor were they executed in accordance with Section 79 Cr.P.C., which mandates that when a warrant is to be executed outside local jurisdiction, proper endorsement by the Executive Magistrate or officer-in-charge of the local police station is required. No such endorsement exists in the present case. Counsel submits that co-accused in the same FIR have already faced trial and were acquitted



vide judgment dated 26.04.2024 (P-12)

Learned counsel for the petitioner submits that petitioner now expresses his inclination to surrender before learned Trial Court and join proceedings in the aforesaid case to facilitate its early conclusion. Petitioner undertakes to fully cooperate with the trial proceedings.

Learned counsel further submits that this Court has consistently held in several cases that, once an accused expresses willingness to appear voluntarily before the trial Court, time and resources should not be wasted in securing their presence. Counsel refers to the order dated 08.09.2025 passed by this Court in CRM-M-49614-2025, titled *Sachin Kumar vs. State of Punjab*.

3. He further contends that, if one opportunity is afforded to the petitioner to appear by granting appropriate protection from arrest, petitioner undertakes that in all future proceedings related to the present case, he shall not be absent from Court except with prior permission, and will fully cooperate with the Court to ensure the early completion of the trial.

4. Notice of motion.

5. On asking of the Court, Mr. Neeraj Madaan, Sr. DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

A copy of the complete paper book has been supplied to him by learned counsel for the petitioner.

6. Learned State counsel opposes the request of the petitioner, and submits that petitioner has willfully remained absent from the proceedings of learned Trial Court and thus, does not deserve any sympathy. Therefore, petitioner should be directed to surrender before the Court and to face trial.

7. I have heard learned counsel for the parties and perused the



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relevant material on record. It is evident that petitioner is inclined to join the process of law, and by way of present petition, he is seeking one chance to join the proceedings before the learned Trial Court, by abiding to the terms and conditions.

8. 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 realized 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 *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 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**).

9. In the totality of circumstances, I am of the view that the petitioner may be granted one opportunity to appear before the trial Court so that the proceedings can recommence and continue smoothly. Accordingly, the plea of the petitioner is accepted to the extent of setting aside the impugned order dated 12.07.2023 (Annexure P-11), whereby the petitioner was declared a ‘proclaimed person.’ Petitioner is directed to be released on bail upon his surrender before the trial Court on or before 30.10.2025.

10. Petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. In addition, petitioner shall submit a specific undertaking/affidavit affirming that he will regularly appear during the trial proceedings in the future, and that the proceedings shall not be delayed on account of his conduct.

11. However, it is clarified that until the date fixed by this Court, i.e., 30.10.2025, for the petitioner’s appearance before the learned trial Court, the operation of the impugned order dated 12.07.2023 shall remain stayed qua petitioner only.

12. However, this order shall be subject to the payment of

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Rs.20,000/- (Rupees twenty thousand only) 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.

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

(SANJAY VASHISTH)
JUDGE

24.09. 2025*rashmi*

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*