



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

135

CRM-M-53948-2025 (O&M)

Decided on : 24.09.2025

JEET PAL @ JIT PAL

. . . Petitioner

Versus

GURNAM SINGH

. . . Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Harsh Jain, Advocate for
Mr. Gitesh Sharma, Advocate for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. By way of present petition filed under Section 528 of BNSS petitioner is seeking quashing of order dated 24.07.2025 (Annexure P-5), passed by learned Judicial Magistrate First Class, Moga, whereby the petitioner has been declared as proclaimed Offender in case NACT Case No. 474 of 2021 titled as “Gurnam Singh Vs. Jeet Pal” under Section 138 of Negotiable Instrument Act, 1881.

2. Learned counsel submits that in fact the dispute had been resolved between the parties and thereon complaint was disposed of having been withdrawn vide order dated 09.12.2023 (Annexure P-2). It is subsequently when complainant/respondent moved application again before the trial Court for restoration of the complaint and petitioner was required to be served but no proper service was effected upon him. Resultantly, vide impugned order dated 24.07.2025, he was declared a proclaimed offender in the proceedings. Learned counsel for the petitioner explains that when notices were issued for the purpose of restoration of complaint, the petitioner



was living in his government accommodation allotted to him inside the Government College Campus, Ludhiana in connection with his service as Librarian. The address where petitioner was actually residing i.e. House/Quater No.14, College Campus, SCD (Satish Chander Dhawan) Government College, Civil Lines, Ludhiana, Punjab-141001.

3. After restoration of the case, trial Court issued notices/summons to the petitioner. However, the same were sent to his old residential address, where he was residing before 2020. Even in the order 09.06.2025 (Annexure P-4), it has been recorded by the Court itself that the earlier residential house was found locked by the serving officer. Thus, there being no fault or intention of keeping himself away from the proceeding, the petitioner cannot be penalised by declaring him a proclaimed person.

4. Although nothing substantial now remains in the already decided case, petitioner being declared a Proclaimed Offender, apprehends his arrest. He is, however, ready and willing to surrender before the learned Trial Court and join the proceedings in the aforesaid case to facilitate its early conclusion. Petitioner undertakes to fully cooperate with the trial proceedings.

5. Learned counsel further submits that the petitioner's absence before the learned Trial Court was neither intentional nor deliberate, but solely due to the reasons explained here-above.

6. He further contends that, if one more opportunity is afforded to the petitioner to appear by granting some protection from arrest, he undertakes that in all the future proceedings of the present case, he would



never be absent from the Court, except by obtaining prior permission from the Court, and thus will fully cooperate in the Court proceedings for early completion of trial.

7. Heard.

8. This Court is of the considered view that the dispute raised through the present petition can be decided *in limine* and without issuing notice to the other side, as the manner in which this Court proposes to dispose of the present petition will not cause any prejudice to the complainant *qua* his rights.

9. 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.

10. 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.

11. 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.

12. 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)***.

13. In totality of circumstances, I am of the view that the petitioner can be given one chance to appear before the trial Court, so that proceedings may restart and continue in smooth manner. Accordingly, plea of the petitioner is accepted. Impugned order dated 24.07.2025 (Annexure P-5) 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 **17.10.2025**.

14. Petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner 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.

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

(SANJAY VASHISTH)
JUDGE

24.09. 2025

Deepak Patwal

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No