



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

CRM-M-67079-2025
Decided on: 10.12.2025

Nonihal Singh @ Naunihal Singh @ NihalPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Pardeep Kumar, Advocate
for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J.(Oral)

1. Prayer in this petition, filed under Section 528 of the BNSS, 2023 for quashing the setting aside the order dated 19.08.2025 (Annexure P-4) in case FIR No.44 dated 25.02.2020 under Section 21/29 of NDPS Act, 1985 registered at Police Station Sardulgarh District Mansa and order dated 17.11.2025 (Annexure P-6) vide which petitioner has been declared proclaimed person.

2. Learned counsel for the petitioner submits that initially the petitioner was released on bail vide order dated 25.06.2020 (P-2), and has been diligently complying with the conditions thereof by appearing before the learned Trial Court on every scheduled date. Learned counsel further submits that although the petitioner was regularly appearing before the learned Trial Court, however, due to compelling circumstances, which were beyond his control, the petitioner could not appear before the learned Trial Court on 16.07.2025, and it resulted in issuance of non-bailable warrants against him



for 05.08.2025.

3. Further submits that said notice was never served upon the petitioner, therefore, he failed to put in appearance, resultantly, his bail was cancelled on 19.08.2025 and lastly, on account of his non-appearance before the Court, petitioner was declared a proclaimed person on 17.11.2025 (P-6). Learned counsel contends that after declaring the petitioner as proclaimed person, FIR under Section 174(A) IPC (Section 209 of BNSS) has never been registered, therefore, the petitioner has come forward himself to appear and join the proceedings. Therefore, petitioner prays for the setting aside of the impugned order.

3. Notice of motion.

4. Learned State counsel puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, he has misused the concession of bail granted by the Court. Learned State counsel further submits that looking at his conduct, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

5. In number of cases, this Court has been experiencing the situation wherein, accused stopped appearing before trial Court in the criminal cases after being released on bail and thereby compelling the Court to issue non-bailable warrants by cancelling the bail already granted or such accused has been declared 'Proclaimed Person'/Proclaimed Offender'. After examining the facts from several cases, this Court has formulated and applied a uniform method by satisfying itself that such accused would appear before the



concerned Court, to enable it to proceed further, instead of delaying the proceedings to await the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case in which he is involved, and where it is realised that absence or prolonged absence of such accused is intentional to evade the process of law, he/she can be penalized after 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)***.

6. I have considered the submissions of both the sides and examined the relevant material available on record. The petitioner has remiss in appearing before the Court on 16.07.2025, when issuance of non-bailable warrants has been issued against him. It also cannot be left unnoticed that within five months on coming to know about passing of the impugned order, the petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

7. In the 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 (supra) is set aside to the extent of issuance of non bailable warrants against the petitioner. Petitioner is directed to appear before learned trial Court concerned on or before 09.01.2026.

8. The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court/ Duty Magistrate, in case the bail bonds have already been forfeited. 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.

9. However, this order shall be subject to the payment of Rs.10,000/- (Rupees ten 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/ Duty Magistrate. The Trial Court/Duty Magistrate 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.

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

10.12.2025
sonia

(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO