



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

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**CRM-M-68438-2025
Decided on : 08.12.2025**

Malkit Singh @ Kamaljit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. J.S. Thakur, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. By way of present petition filed under Section 528 of BNSS petitioner is seeking quashing of order dated 21.01.2023(Annexure P-2), passed by learned Sub Divisional Judicial Magistrate, Kapurthala, whereby the petitioner has been declared as proclaimed Person in case FIR No. 41 dated 10.04.2020, under Sections 188, 269, 270 IPC, registered at Police Station Begowal, District Kapurthala.

2. Learned counsel for the petitioner submits that FIR was registered alleging that petitioner, along with another person, was found roaming during the COVID-19 curfew without mask, sanitizer, or gloves, thereby allegedly violating the orders of the District Magistrate and committing offences under Sections 188, 269, and 270 IPC. Counsel argued that no such incident ever occurred and even petitioner's name has been wrongly mentioned in the FIR. It is further submitted that the petitioner had no knowledge of the present FIR or the subsequent proceedings, as he had left India for Dubai on 21.07.2021 and thereafter, he came back India for five months and again went on work visa on

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29.09.2021. Due to the COVID-19 lockdown and adjournments, notice could not be served upon him, and final report under Section 173 Cr.P.C. was presented in his absence. The proclamation proceedings were carried out improperly, as the mandatory requirements of Section 82 Cr.P.C., including proper publication and newspaper circulation in the locality of his ordinary residence, were not complied with. Petitioner first came to know about the FIR and his declaration as Proclaimed Offender only on 19.01.2024 while completing his visa-related formalities abroad.

Learned counsel for the petitioner contends that after petitioner was declared a proclaimed person, no further action has been taken, including the registration of any FIR under Section 209 of the BNS (corresponding to Section 174-A IPC).

Petitioner being declared a Proclaimed Person, 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.

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 hereinabove.

3. 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.

4. Notice of motion.

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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 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



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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 21.01.2023(Annexure P-2), 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 08.01.2026.

10. Petitioner shall also furnish fresh bail bonds/surety bonds to the

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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, 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. 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.

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

(SANJAY VASHISTH)
JUDGE

08.12. 2025*rashmi*

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