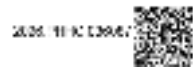


200

CRM-M-6898-2026

-1-



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-6898-2026

Date of decision: 09.03.2026

HARJINDER SINGH ALIAS RAJU

....Petitioner

Versus

STATE OF PUNJAB AND ANR.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

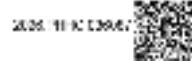
Present:- Mr. Tajinder Pal Singh Makkar, Advocate for the petitioner.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. The present petition has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, assailing the impugned order dated 13.10.2025 (Annexure P-5), whereby the learned Additional Sessions Judge has declared the petitioner a proclaimed person.

2. Learned counsel for the petitioner submits that FIR No.0272 dated 30.09.2020 under Sections 364 IPC (Sections 365, 370(4), 120-B IPC added later on), was registered at P.S. City Malout, District Sri Muktsar Sahib, against the petitioner. He submits that the petitioner was granted concession of regular bail by a Co-ordinate Bench of this Court in the present FIR vide order dated 04.03.2024 in CRM-M-10456-2024. He submits that thereafter the petitioner was regularly appearing before the learned Trial Court on each and every date. However, the petitioner absented himself during trial from 29.08.2025 as he was implicated in some other case and was ultimately arrested. He submits that the petitioner was granted concession of regular bail in other FIR as well by the learned Trial Court. He submits that as a consequence of his non-appearance in present FIR, on 29.08.2025, non-



declared a proclaimed person by the trial court vide order dated 13.10.2025 (Annexure P-5).

3. He further argues that since petitioner was never served with any notice/warrant, hence, the impugned order has been passed without complying with the requirements of section 82 Cr.P.C. (section 84 BNSS). He further submits that the petitioner undertakes to appear before the trial Court on each and every date of hearing. Hence, he prays for quashing of the said order.

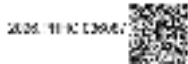
4. Notice of motion.

5. Mr. Amit Shukla, DAG Punjab accepts notice on behalf of respondent-State and supports the impugned order, contending that the petitioner deliberately avoided appearance, leaving the trial Court with no option but to issue proclamation to secure his presence.

6. I have heard learned counsel for the parties and perused the record.

7. The object behind issuance of non-bailable warrants or proclamation is only to secure the presence of the accused. In the present case, the petitioner has voluntarily approached this Court and undertaken to appear before the trial Court regularly.

8. The determination of whether the default of an accused is intentional or unintentional must be made on a case-by-case basis, taking into account the specific facts and circumstances of each case. Where it is established that the absence, or prolonged absence, of the accused is deliberate and intended to evade the process of law, appropriate costs may be



imposed after considering the nature of the offence and the capacity of the accused to pay any cost.

9. In the present case, apart from a bald assertion that requirements of Section 82 Cr.P.C. were not complied with before declaring petitioner a Proclaimed person, no plausible ground has been raised by the learned counsel for the petitioner to support his contention. However, still this court is inclined in taking a lenient view keeping in view the facts and circumstances of the case in hand.

10. In view of the foregoing discussion, the petition is allowed. The impugned order dated 13.10.2025 (Annexure P-5), declaring the petitioner proclaimed person, is set aside and the petitioner is directed to appear before the trial Court within four weeks from today, subject to payment of Rs.10,000/- as costs to be deposited by the petitioner in Poor Patients Welfare Fund, PGIMER Chandigarh. Upon doing so, he shall be released on bail subject to furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court.

11. Besides, petitioner shall also file an undertaking/affidavit that he will appear in all future proceedings of the trial and proceedings shall not be delayed because of his conduct.

12. It is made clear that in case, petitioner fails to appear before the trial court within the stipulated period, this order shall be deemed to be vacated.

(RUPINDERJIT CHAHAL)
JUDGE

09.03.2026
puneet

PUNEET SHARMA
2026.03.11.11.00
I attest to the accuracy and
authenticity of this order/judgment

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No