



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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CRM-M-8907-2026.

Date of Decision: 21.04.2026.

Gurwinder Kaur

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Rohan Garg, Advocate for the petitioner.

Mr. Mr. Pawan Kumar Jhanda, Senior Deputy Advocate General,
Haryana.

SANJAY VASHISTH, J. (Oral)

1. Petitioner–Gurwinder Kaur, aged 33 years, has filed present petition under section 528 of BNSS for setting aside of the order dated 06.01.2018 (Annexure P-5), whereby Court of learned Additional Sessions Sirsa (trial Court) has declared the petitioner to be a ‘proclaimed person’ in case FIR No.32 dated 09.02.2016 under Sections 21 and 61 of NDPS Act, registered at Police Station Kalanwali, District Sirsa.

2. Learned counsel for the petitioner argues that at the time of registration of the case in the year 2016 and even during investigation, nothing was recovered from the possession of the petitioner. However, under the allegation of recovery of 11 grams of Heroin, other two accused namely Krishan Singh and Kala Singh were tried by the Court and both of them were acquitted. Judgment of acquittal of co-accused Krishan Singh was recorded

by the trial Court, vide judgment dated 03.11.2018 (Annexure P-6). He further submits that petitioner, who is a woman, is a witness in a case FIR No.255 dated 03.08.2022 under Sections 147, 148, 149, 302, 307, 341 and 427 IPC and Section 25 of the Arms Act, registered at Police Station Kalanwali, District Sirsa, regarding killing of her husband-Jagraj Singh @ Gajji and there being constant threat to her, she was running pillar to post. However, since main accused Krishan Singh and Kala Singh stand acquitted and petitioner could not join proceedings being declared 'proclaimed person, is now willing to appear before the Court to join the process of law. However, she seeks one opportunity for the same purpose subject to payment of some cost.

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, she knowingly evaded the proceedings before the trial Court. Learned State counsel further submits that looking at her behaviour, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

5. 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.

6. Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case 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 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.

7. Primary object of every Court is only to examine the commission of crime in question before it viz-a-viz the person/accused, who is subjected to such proceedings, and if possible justice be imparted at the earliest without unnecessary delay.

8. 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.

9. 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).

10. I have considered the submissions of both the sides and examined the relevant material available on record.

11. 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.

12. Accordingly, plea of the petitioner is accepted. Impugned order dated 06.01.2018 (Annexure P-5) is set aside to the extent of declaration of petitioner as 'proclaimed person', and she is directed to be released on bail, in the eventuality of surrender by her before the trial Court on or before 08.05.2026.

The 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 she will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

However, this order shall be subject to the payment of Rs.10,000/- 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

21.04.2026

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