



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

162

CRM-M-12839-2026

Date of decision: 30.03.2026

Kundan Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Abhimanu Jangra, Advocate for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

AARADHNA SAWHNEY, J.(ORAL)

1. Challenge in the present petition is to orders dated 09.01.2024 and 17.10.2025, appended as Annexures P-8 and P-9, respectively, passed by learned JMIC, Gurugram, vide which the bail granted to the petitioner was cancelled, personal bonds, surety bonds were also cancelled and forfeited to state. His presence was sought to be procured through non-bailable warrants and subsequently, on account of his unintentional absence petitioner was declared as '*Proclaimed Person*'.

2. Learned counsel for the petitioner contends that petitioner was falsely implicated in the present FIR (bearing No.213 dated 30.05.2018 registered against him u/s 406, 420 IPC and Section 66 of IT Act, 2000). Apprehending his arrest in the aforesaid case, petitioner approached the Court of Sessions, Gurugram. The then Ld. Additional Sessions Judge, Gurugram granted the concession of interim anticipatory bail to the petitioner vide order 29.09.2018, which was later made absolute vide order dated 31.10.2018 (copies appended as Annexure P-2).

On culmination of investigation in the aforesaid case, challan complete in all respects was filed. Learned counsel next contends that since



the due amount had already been paid to complainant, petition for quashing the FIR in question was filed by the petitioner vide CRM-M-39732-2019. In the said petition, this Court vide order dated 14.10.2022 stayed the proceedings qua the petitioner, which continued till 25.07.2024. Subsequently vide order dated 22.08.2024, this Court vacated the stay and directed the trial Court to conclude the trial as expeditiously as possible.

Learned counsel for the petitioner contends that the aforesaid fact was not communicated to the petitioner by the earlier arguing counsel, as a consequence of which he could not appear before the learned trial Court. It was only when the police authorities contacted him and intimated that he has been declared a '*Proclaimed Person*', that he became aware of the two impugned orders.

The second leg of submission raised by learned counsel for the petitioner is that the mandatory requirements of Sub Section 2 of Section 82 Cr.P.C were not complied with by learned trial Court, declaring petitioner '*Proclaimed Person*', inasmuch as the impugned order dated 17.10.2025 is totally silent as to when the publication was affixed, whether it was publicly read in some conspicuous place of the town or village in which the petitioner resides, whether it was affixed on some conspicuous part of the house etc.

Continuing further, learned counsel submits that a bare perusal of the challan reveals that two addresses of petitioner have been mentioned therein, however that the impugned order is totally silent as to on which of the address, the Proclamation was effected.

In the light of the aforesaid submissions, learned counsel prays for taking a lenient view in favour of the petitioner, who is willing to surrender before the Court concerned.



3. Heard. Documents on record perused.
4. After going through the copies of the orders dated 14.10.2022, 12.04.2023, 07.03.2024 and 25.07.2024 passed by this Court in CRM-M-39732-2019, there appears to be a substance in the submission advanced by learned counsel for the petitioner. On 14.10.2022, following order was passed:-

“As per report of the Registry, respondent No.2 stands duly served. However, none has put in appearance on his behalf.

Given above, Dr. Sumati Jund, Advocate (E. No.P-1134/2011) is appointed as Legal Aid Counsel for the petitioner. She is entitled for remuneration as per Legal Aid Services Rules. Registry is directed to reflect her name in the cause list on the next date of hearing. Learned counsel for the petitioner to supply copy of paperbook to her.

List on 12.04.2023 for final hearing.

Further proceedings, beyond the cognizance stage, shall remain stayed qua the petitioner(s) till the next date of hearing. *However, if the matter is adjourned because of the petitioner, then on this ground alone, the interim stay may be vacated even prior to the six months. The prayers for the stay mentioned anywhere in the petition and the accompanying application(s), if any, stand disposed. However, it shall be open for the petitioner to file an application seeking an extension of stay by mentioning the reasons stipulated by the Hon’ble Supreme Court in Asian Resurfacing of Road Agency Pvt Ltd v. Central Bureau of Investigation, (2018) 16 SCC 299, (para 35), which holds as follows,*

[35] In view of above, situation of proceedings remaining

pending for long on account of stay needs to be remedied. Remedy is required not only for corruption cases but for all civil and criminal cases where on



account of stay, civil and criminal proceedings are held up. At times, proceedings are adjourned sine die on account of stay. Even after stay is vacated, intimation is not received and proceedings are not taken up. In an attempt to remedy this, situation, we consider it appropriate to direct that in all pending cases where stay against proceedings of a civil or criminal trial is operating, the same will come to an end on expiry of six months from today unless in an exceptional case by a speaking order such stay is extended. In cases where stay is granted in future, the same will end on expiry of six months from the date of such order unless similar extension is granted by a speaking order. The speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. The trial Court where order of stay of civil or criminal proceedings is produced, may fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence unless order of extension of stay is produced.

It is clarified that there is neither any stay on the investigation nor on the filing of the police report under section 173/190 CrPC.”

This interim order was continued till 25.07.2024. However on 22.08.2024, following order was passed:-

“On request, adjourned to 21.11.2024.

The Trial Court is free to conclude the trial as expeditiously as possible and the pendency of this petition shall not be construed as stay of proceedings pending before it.”

It is thus clear that the interim order vide which the proceedings qua the petitioner were stayed, having passed on 14.10.2022 continued till

25.07.2024.



It was during this period that on account of absence of the petitioner from the Court concerned, impugned order dated 09.01.2024 (Annexure P-8) was passed by learned trial Court. In view of the fact that proceedings qua petitioner had been stayed by this Court in CRM-M-39732-2019, petitioner was not expected to attend the proceedings before the concerned Magistrate and thus it cannot be said that his absence was intentional.

5. Resultantly, the present petition stands allowed. Impugned orders dated 09.01.2024 and 17.10.2025 are set aside. Petitioner is directed to appear before the Court concerned within a period of 15 days from today. On his appearance before the Court concerned, **he be admitted to bail on his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court.** He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

7. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AARADHNA SAWHNEY)
JUDGE

30.03.2026
Hemant

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No