



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

159

CRM-M-18172-2026  
Decided on : 06.04.2026

SANJIV KUMAR @ SOHAN @ SONJIT  
Versus  
STATE OF PUNJAB  
... Petitioner(s)  
... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. LM Gulati, Advocate  
for the petitioner(s).  
  
Mr. Neeraj Madaan, Sr. DAG, Punjab.

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SANJAY VASHISTH, J. (Oral)

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 05.02.2024 (Annexure P-4), whereby the petitioner has been declared as ‘proclaimed person’, on account of his non-appearance in the following FIR:-

| FIR No. | Date       | Section(s)                        | Police Station | District |
|---------|------------|-----------------------------------|----------------|----------|
| 183     | 15.09.2018 | 61/1/14 of Punjab Excise Act,1914 | Sadar Amritsar | Amritsar |

2. Learned counsel for the petitioner submits that petitioner was earlier granted the concession of bail and had been regularly appearing before learned trial Court on each and every date of hearing, since the presentation of the challan, i.e., 31.07.2019.

However, during the pendency of the trial, COVID-19 pandemic spread across the country, due to which learned trial Court exempted the petitioner from personal appearance. In the intervening period, in the year



2021, petitioner developed symptoms of COVID-19 and was quarantined by his family members as a precautionary measure. Owing to these circumstances, he remained unaware of the resumption of proceedings before the trial Court and was also unable to contact his counsel.

3. It is further submitted that learned trial Court initially issued bailable warrants, followed by non-bailable warrants against the petitioner, and ultimately, vide order dated 11.12.2023, initiated proclamation proceedings (Annexure P-3). Thereafter, petitioner was declared a proclaimed person, vide order dated 05.02.2024 (Annexure P-4).

Counsel further submits that petitioner came to know about the status of the case recently, when the police raided his residence to arrest him. Upon inquiry, he discovered that he had already been declared a proclaimed person.

4. It is also submitted that during COVID-19 period, the case was repeatedly adjourned from time to time, and thereafter, petitioner never received any notice or summons, nor the same were ever duly served upon him. Petitioner was residing at the same address as mentioned in the trial record and, due to lack of communication with his counsel, remained unaware of the proceedings and his declaration as a proclaimed person.

5. Learned counsel contends that non-appearance of the petitioner was neither intentional nor wilful, but occurred due to circumstances beyond his control, particularly in the absence of proper service. It is asserted that petitioner had no intention to evade the trial; however, due to the unavoidable circumstances mentioned above, he could not appear before learned trial Court.

Thus, learned counsel submits that in case, one opportunity is granted for releasing the petitioner on bail, by protecting him from arrest,



petitioner undertakes that he would not absent himself in future, without there being prior permission from the Court, and fully cooperate for early disposal of the trial.

6. Notice of motion.

7. Learned State counsel puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, he knowingly evade the proceedings before the trial Court. Learned State counsel further submits that looking at his behaviour, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

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 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.

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. 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. 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 only on one date i.e. on 05.02.2024, when impugned order declaring the petitioner ‘proclaimed person’ has been passed against him. It also cannot be left unnoticed that as and when the petitioner came 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.

10. 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. Accordingly, plea of the petitioner is accepted. Impugned order dated 05.02.2024 (Annexure P-4) is **set aside** to the extent of declaring the petitioner as ‘proclaimed person’, and he is directed to be released on bail, in the eventuality of surrender by him



before the trial Court on or before 22.04.2026.

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 he 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.

11.           **With aforementioned terms, present petition stands disposed of.**

**(SANJAY VASHISTH)  
JUDGE**

**April 06, 2026**  
Lavisha

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