



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

126

CRM-M-20493-2026.

Date of Decision: 29.04.2026.

Vicky Kumar @ Vikas Kumar @ Vikas Kumar ChaudharyPetitioner.

VERSUS

State of Punjab and anotherRespondents.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Hanee Azad, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, Deputy Advocate General, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Petitioner–Vicky Kumar @ Vikas Kumar @ Vikas Kumar Chaudhary, aged 39 years, has filed present petition under section 528 of BNSS for quashing of the order dated 15.07.2025 (Annexure P-1), whereby Court of learned Judicial Magistrate Ist Class, Ludhiana (trial Court), after cancellation of bail of petitioner forfeited his bail/surety bonds to the State. The petitioner has also challenged order dated 30.09.2025, whereby he has been declared ‘proclaimed person’ by the trial Court, in Complaint Case titled ‘Mohammad Vaseem vs. Vicky Kumar’ under Section 138 of the Negotiable Instruments Act.

2. Learned counsel for the petitioner argues that in the aforesaid complaint case, the petitioner had already joined the proceedings and he was released on bail vide order dated 18.03.2025. Thereafter, the petitioner has been regularly appearing before the trial Court. However, on account of his absence on 15.07.2025, his bail was cancelled and bail bonds were forfeited

to the State. Resultantly, non-bailable warrants were issued against the petitioner and ultimately vide order dated 30.09.2025, he was declared 'proclaimed person'. By referring to Paragraph 3 of the petition, learned counsel submits that the petitioner could not appear before the trial Court due to illness of his mother, who unfortunately died on 07.02.2026. Thus, absence of petitioner was neither intentional nor deliberate.

Counsel further contends that procedure prescribed under the Act i.e. Section 82 of Cr.P.C. (BNSS) was not duly adopted. However, without addressing much on this issue, learned counsel contends that petitioner is now willing to appear before the Court to join the process of law with the assurance that he would never absent from the Court in future. However, he 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, he knowingly evaded the proceedings before the trial Court. Learned State counsel further submits that looking at the 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 orders dated 15.07.2025 (Annexure P-1) and 30.09.2025 (Annexure P-2) are set aside to the extent of issuance of nonailable warrant against the petitioner and declaring him '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 **15.05.2026**.

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 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.

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

(SANJAY VASHISTH)
JUDGE

29.04.2026

jitender

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