



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

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**CRM-M-21022-2026
Decided on : 20.04.2026**

Surinder Kumar @ Sonu

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**PRESENT:** Mr. Munish Puri, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. By way of present petition filed under Section 528 of BNSS petitioner is seeking quashing of order dated 09.03.2026(Annexure P-8), passed by learned Judicial Magistrate First Class, Pathankot, whereby petitioner has been declared as proclaimed Person/absconder in cross case i.e. GD No. 038 dated 03.10.2019 under Sections 323, 341, 201 and 34 of IPC, in case bearing FIR No.83 dated 01.10.2019, under Sections 341,323,324, 506,148, 149 IPC registered at Police Station Division No.1 Pathankot, Pathankot.

2. Learned counsel for the petitioner submits that petitioner was regularly appearing before the learned Trial Court in the main cross case i.e. GD No. 038 dated 03.10.2019, and continued to remain present till 24.11.2025, as is evident from the judicial record (Annexure P-3). Challan in the said case was presented on 17.12.2019, charges were framed on 28.01.2020, and the matter is still pending for prosecution evidence, now fixed for 02.05.2026.

It is further submitted that during the entire trial proceedings, the petitioner never absented himself willfully or deliberately so as to evade the process of law, and there was no occasion for the Trial Court to initiate coercive proclamation proceedings against him. The proclamation order

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appears to have been passed mechanically, without recording the requisite satisfaction that the petitioner was absconding or concealing himself to avoid service of summons or warrants, as mandated under Section 82 Cr.P.C.

3. Learned counsel for the petitioner contends that after petitioner was declared a proclaimed person, no further action has been taken, including the registration of any FIR under Section 209 of the BNS (corresponding to Section 174-A IPC).

Petitioner being declared a Proclaimed Person/offender, apprehends his arrest. He is, however, ready and willing to surrender before the learned Trial Court and join the proceedings in the aforesaid case to facilitate its early conclusion. Petitioner undertakes to fully cooperate with the trial proceedings.

4. He further contends that, if one more opportunity is afforded to the petitioner to appear by granting some protection from arrest, he undertakes that in all the future proceedings of the present case, he would never be absent from the Court, except by obtaining prior permission from the Court, and thus will fully cooperate in the Court proceedings for early completion of trial.

5. Notice of motion.

6. On asking of the Court, Mr. Neeraj Madaan, Sr. DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent/State.

A copy of the complete paper book has been supplied to him by learned counsel for the petitioner.

7. Learned State counsel opposes the request of the petitioner, and submits that petitioner has willfully remained absent from the proceedings of learned Trial Court and thus, does not deserve any sympathy. Therefore, petitioner should be directed to surrender before the Court and to face trial.



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8. I have heard learned counsel for the parties and perused the relevant material on record. It is evident that petitioner is inclined to join the process of law, and by way of present petition, he is seeking one chance to join the proceedings before the learned Trial Court, by abiding to the terms and conditions.

9. 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 realized 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 *vis a vis* 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



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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. In the totality of circumstances, I am of the view that the petitioner may be granted one opportunity to appear before the trial Court so that the proceedings can recommence and continue smoothly. Accordingly, the plea of the petitioner is accepted to the extent of setting aside the impugned order dated 09.03.2026(Annexure P-8), whereby the petitioner was declared a ‘proclaimed person/offender.’ Petitioner is directed to be released on bail upon his surrender before the trial Court on or before 08.05.2026.

11. Petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. In addition, petitioner shall submit a specific undertaking/affidavit affirming that he will regularly appear during the trial proceedings in the future, and that the proceedings shall not be delayed on account of his conduct.

12. 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



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be of any advantage to the petitioner.

13. It is made clear that in case an FIR under Section 209 of the BNS (corresponding to Section 174-A IPC) has already been registered and the same is pending and not under challenge before this Court in the present proceedings, the instant order shall be deemed to be inoperative.

14. With aforementioned terms, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

20.04.2026

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No