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

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Decided on : 18.04.2026**

Amar Singh**.....Petitioner**

Versus

State of Punjab and another**.....Respondent****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Krishan Kanha, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. Present petition has been filed under Section 528 of the BNSS (corresponding to Section 482 of the CrPC) for the quashing of the impugned order dated 13.01.2026 (Annexure P-5) passed by the learned Judicial Magistrate First Class, Bathinda, in the case titled “State of Punjab v. Amar Singh,” bearing No. CHI-685-2023 filed on 29.08.2023, arising out of FIR No. 84 dated 31.03.2022 registered under Sections 325, 323 and 34 IPC at Police Station Canal Colony, District Bathinda (Annexure P-1), vide which bailable warrants of arrest of the petitioner have been issued; along with order dated 18.02.2026 (Annexure P-6), vide which the bail of the petitioner has been cancelled, bail bonds have been forfeited, and proclamation has been issued; further along with order dated 23.02.2026 (Annexure P-7), vide which again the bail of the

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petitioner has been cancelled, bail bonds have been cancelled and forfeited, and proclamation has been issued; and also the impugned order dated 30.03.2026 (Annexure P-12), vide which the petitioner has been declared a proclaimed person, along with all consequential proceedings arising therefrom

2. Learned counsel for the petitioner submits that, in the present case, the FIR was registered and the challan was presented on 29.08.2023, pursuant to which the petitioner was granted bail on 27.10.2023. Thereafter, charges were framed on 17.07.2024, and the trial commenced. PW-1 was partly examined on 10.01.2025. It is further submitted that bailable warrants were issued against witness Sachin Kumar on 06.08.2025 and against ASI Gurdeep Singh on 24.09.2025, followed by fresh warrants on 09.10.2025 and 10.11.2025, while PW-2 and PW-3 were partly examined on 10.11.2025. During the entire period from 29.08.2023 to 10.11.2025, the petitioner remained present before the learned Trial Court, either in person or through counsel, as is evident from the zimni orders (Annexure P-2).

3. It is further submitted that petitioner could not appear before the learned Trial Court on 08.12.2025, whereupon notice was issued for 13.01.2026 (Annexure P-3). Although the petitioner had duly instructed his counsel to seek an adjournment and file an exemption application, but same could not be filed due to inadvertent miscommunication. It is further submitted that on 13.01.2026, the petitioner again could not appear as he had been deputed for official work at Old Nabha Jail. The petitioner had informed his counsel accordingly, and an application for

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exemption was duly prepared and sought to be filed; however, the learned Trial Court declined to accept the same on the ground that warrants had already been ordered to be issued (Annexure P-4).

4. Learned counsel further submits that despite the exemption application having been tendered, the same was not taken on record, and even though the notice issued to the petitioner was received back unserved, instead of issuing fresh notice, learned Trial Court proceeded to issueailable warrants of arrest vide order dated 13.01.2026 (Annexure P-5). It is further submitted that on 18.02.2026, counsel for the petitioner again apprised the Court of the circumstances and sought an opportunity for the petitioner's appearance; however, as theailable warrants were received back unserved, learned Trial Court, instead of issuing non-ailable warrants, proceeded to cancel the bail of the petitioner, forfeit the bail bonds, and further issued proclamation for 25.03.2026, which is wholly unjustified and contrary to settled law (Annexure P-6).

In these circumstances, petitioners pray for the setting aside of the orders dated 13.01.2026 (Annexure P-5), 18.02.2026 (Annexure P-6), 23.02.2026 (Annexure P-7), and 30.03.2026 (Annexure P-12), along with all consequential proceedings arising therefrom.

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.

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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.

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,

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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)***.

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 30.03.2026(Annexure P-12), 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 07.05.2026.

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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.20,000/- (Rupees Twenty Thousand) 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. However, 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****18.04.2026**

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Whether Speaking/Reasoned:
Whether Reportable:**YES/NO**
YES/NO