



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

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CRM-M-21688-2026.

Date of Decision: 21.04.2026.

Kanchan

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Neeraj Jain, Advocate for the petitioner.

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

SANJAY VASHISTH, J. (Oral)

1. Petitioner–Kanchan, aged 37 years, has filed present petition under section 528 of BNSS for setting aside of the order dated 22.12.2025 (Annexure P-2), whereby Court of learned Sub Divisional Judicial Magistrate, Moga (trial Court) has declared the petitioner to be a ‘proclaimed person’ in case FIR No.3 dated 04.01.2023 under Sections 420, 120-B IPC, registered at Police Station Baghapurana, District Moga.

2. Learned counsel for the petitioner submits that in the above said case, the petitioner was granted anticipatory bail vide order dated 23.01.2023 (Annexure P-3), passed by learned Additional Sessions Judge, Moga and in terms of the said order she had joined investigation.

3. Referring to the averments made in paragraph No.2 and 5 of the petition, counsel contends that petitioner is the wife of the main accused and

she does not have any knowledge of the trial proceedings in the present case. However, she came to know vide impugned order dated 22.12.2025, she has been declared proclaimed person. The petitioner has left the house of the main accused as there was a matrimonial dispute between her and her husband-Som Dutt and as such she was not having any knowledge about the status of the present case. However, she seeks one opportunity for the same purpose subject to payment of some cost.

4. Notice of motion.

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

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. I have considered the submissions of both the sides and examined the relevant material available on record.

12. 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.

13. Accordingly, plea of the petitioner is accepted. Impugned order dated 22.12.2025 (Annexure P-2) is set aside to the extent of declaration of

petitioner as 'proclaimed person', and she is directed to be released on bail, in the eventuality of surrender by her before the trial Court on or before 08.05.2026.

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 she 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.

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

(SANJAY VASHISTH)
JUDGE

21.04.2026

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No