



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

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**CRM-M-22030-2026
Decided on : 05.05.2026**

Charanjeet Kaur

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**PRESENT:** Ms. Jasmine Garg, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, 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 17.12.2022(Annexure P-4), whereby the petitioner has been declared as proclaimed Person/offender in case FIR No. 121 dated 12.08.2017, under Sections 365, 382, 34 and 411 IPC, registered at Police Station Nangal, alongwith consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that petitioner never intentionally absconded or evaded the process of law, and her non-appearance was due to bona fide and unavoidable circumstances, including the disruption caused by the COVID-19 pandemic, personal hardship on account of the serious illness and subsequent demise of her husband, and change of residence, due to which the processes issued by the learned Trial Court were never duly served upon her.

It is further submitted that the record itself reflects that the warrants issued against the petitioner were repeatedly received back unexecuted, yet the learned Trial Court proceeded to escalate the process from bailable warrants to non-bailable warrants and thereafter to proclamation proceedings without recording the requisite satisfaction that the



petitioner had absconded or was deliberately evading arrest.

3. Learned counsel further submits that even otherwise, co-accused, who stands on identical footing, has already been acquitted by the learned Trial Court, as the prosecution failed to prove its case and the complainant did not support the allegations. In such circumstances, continuation of proceedings against the present petitioner would amount to an abuse of the process of law.

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

Petitioner, being declared a proclaimed person, apprehends her arrest. However, she is ready and willing to surrender before the learned Trial Court and join the proceedings in the present case to facilitate its early conclusion, and undertakes to fully cooperate with the trial.

It is further submitted that the petitioner's absence before the learned Trial Court was neither intentional nor deliberate, but occurred due to the reasons explained hereinabove.

Lastly, learned counsel submits that if one more opportunity is granted to the petitioner by extending protection from arrest, she undertakes to remain present in all future proceedings, except with prior permission of the Court, and shall fully cooperate for the expeditious conclusion of the trial.

5. Notice of motion.

6. On asking of the Court, Mr. Manjinder Singh Bhullar, 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 prayer of the petitioner and submits that the petitioner has willfully remained absent from the proceedings before the learned Trial Court and, therefore, does not deserve any leniency. It is contended that the petitioner be directed to surrender before the Court and face trial.

However, learned State counsel fairly confirms that no further consequential action has been taken pursuant to the impugned order, including registration of any FIR under Section 209 of the BNS (corresponding to Section 174-A IPC).

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, she 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



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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 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 17.12.2022(Annexure P-4), whereby petitioner was

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declared a 'proclaimed person/offender.' Petitioner is directed to be released on bail upon her surrender before the trial Court on or before 25.05.2026.

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 she 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, 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.

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

(SANJAY VASHISTH)
JUDGE

05.05.2026*rashmi**Whether speaking/reasoned: Yes/No**Whether Reportable: Yes/No*