



134

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**CRM-M-26587-2026 (O&M)**

Date of Decision: 12.05.2026

MANJIT SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTHPresent : Mr. Pardeep Kumar, Advocate
for the petitioner.

Mr. Manjinder Singh Bhullar, D.A.G., Punjab.

SANJAY VASHISTH, J. (ORAL)

1. The prayer in the present petition, filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, is for quashing of impugned order dated 26.03.2011 (Annexure P-8), vide which, the petitioner was declared as a proclaimed offender and order dated 16.10.2006 (Annexure P-4), vide which, the bail of the petitioner was cancelled and non-bailable warrants for arrest were issued against him, by the learned Judicial Magistrate Ist Class, Batala, in case FIR No.48 dated 11.05.2003 registered under Sections 279, 337, 304-A, 427 of IPC (corresponding Sections 281, 125, 106(1) and 324 of BNS, 2023) at Police Station Civil Lines Batala, District Batala, along with all subsequent proceedings arising therefrom.

2. On registration of FIR No.48 dated 11.05.2003, under Sections

279, 337, 304-A, 427 of IPC at Police Station Civil Lines Batala, District Batala, the petitioner was arrested and subsequently released on bail. Due to his absence from Court, the bail granted to him was cancelled on 16.10.2006 and non-bailable warrants were issued. Thereafter, the petitioner was declared as a proclaimed offender on 26.03.2011 and the said order is being assailed by the petitioner today, after a gap of about 20 years from the cancellation of bail and 15 years from being declared as a proclaimed offender.

3. Learned counsel for the petitioner contends that in the year 2005, the petitioner had gone abroad *i.e.* Dubai and had started working there to earn his livelihood. The petitioner is an illiterate person and has been working as a labourer. Now on coming back from Dubai, petitioner came to know about the pendency of the proceedings in the said criminal case, in which he now wants to appear and join the proceedings on each and every date of hearing.

3. Notice of motion.

4. Learned State counsel puts an appearance, and opposes the request of the petitioners by submitting that petitioners do not deserve any sympathy. Learned State counsel further submits that looking at his conduct, there is no surety that in future, the petitioner would not be absent for the purpose of delaying the trial.

5. In number of cases, this Court has been experiencing the situation wherein, accused stopped appearing before trial Court in the criminal cases after being released on bail and thereby compelling the Court to issue non-bailable warrants by cancelling the bail already granted or such

accused has been declared 'Proclaimed Person'/Proclaimed Offender'. After examining the facts from several cases, this Court has formulated and applied a uniform method by satisfying itself that such accused would appear before the concerned Court, to enable it to proceed further, instead of delaying the proceedings to await the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case in which he is 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 after 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***).

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

7. In the totality of the circumstances, this Court is of the view that the petitioner deserves to be afforded one opportunity to appear before the learned Trial Court so that the proceedings may resume and continue smoothly. Accordingly, the plea of the petitioner is accepted. Impugned order (supra) is set aside to the extent of issuance of non-bailable warrants against the petitioner. Petitioner is directed to appear before the learned Trial Court concerned on 27.05.2026 or within 15 days from today.

8. Petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court/ Duty Magistrate, in case the bail bonds have already been forfeited. 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.

9. However, this order shall be subject to the payment of Rs.20,000/- 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.

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

May 12, 2026
gurpreet

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No