



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

121

CRM-M-24040-2026.

Date of Decision: 01.05.2026.

Gurpreet Singh @ Palwinder Singh

....Petitioner.

VERSUS

State of Punjab and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kuljinder Billing, Advocate for the petitioner.

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

Ms. Preetkamal Uppal, Advocate for
Mr. Navdeep Singh Khokhar, Advocate
for respondents No.2 and 3.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Gurpreet Singh @ Palwinder Singh, aged 33 years, has filed present petition under section 528 of BNSS for setting aside of the order dated 22.04.2025 (Annexure P-10), whereby Court of learned Additional Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar (trial Court) has declared the petitioner as proclaimed offender in case FIR No.67 dated 06.11.2023 under Sections 279/337/338 IPC, registered at Police Station Aur, District SBS Nagar.

2. Learned counsel for the petitioner submits that FIR in the instant case was registered on 06.11.2023, whereas prior to that the petitioner had gone abroad on 18.10.2023.

3. Referring to the averments made in paragraph No.4,5,6 and 7 of the petition, counsel contends that in compliance of non-bailable warrants issued against the petitioner, the police official visited his village and recorded statement of Sarpanch but could not find anything. On 29.08.2024 statement of Gurbaksh Kaur (mother of the petitioner) was also recorded by the police official, wherein she has stated that her son (petitioner) is abroad (Portugal). Despite having knowledge that petitioner is not in India and is abroad, application for issuance of non-bailable warrants against him was moved and non-bailable warrants were issued against him and when non-bailable warrants could not be served, proclamation was issued against him by the Court for his appearance on 22.04.2025 and ultimately on the said date, the petitioner was declared proclaimed offender.

Counsel submits that the dispute has also been resolved with the complainant and expresses his regret on behalf of the petitioner and submits that in future the petitioner would be conscious and would not absent himself without any prior permission. Counsel, therefore, prays that the petitioner be granted one more opportunity, protecting him from undue harassment.

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, he knowingly evade the proceedings before the trial Court. Learned State counsel further submits that looking at his behaviour, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

6. Learned counsel for respondents No.2 and 3 admits the fact that the dispute between the parties has been resolved.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

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

13. 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.

14. Accordingly, plea of the petitioner is accepted. Impugned order dated 22.04.2025 (Annexure P-10) is set aside to the extent of issuance of declaring the petitioner ‘proclaimed offender’, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before **15.05.2026**.

The petitioner shall also furnish bail bonds/surety bonds to the satisfaction of the trial Court. 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.

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.

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

**(SANJAY VASHISTH)
JUDGE**

01.05.2026
jitender

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No