



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

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**CRM-M-23913-2026
Decided on : 30.04.2026**

Mandeep Kaur Monga

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Divyansh Vats, Advocate for
Mr. H.S. Bath, 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 15.05.2025(Annexure P-3), passed by learned Chief Judicial Magistrate, Jalandhar, whereby the petitioner has been declared as proclaimed Person in case FIR No. 15 dated 07.02.2016, under Sections 294, 506, 427 IPC (Section 296, 351(2)(3) and 324(4)/(5) of BNS), registered at Police Station Division No.6, Police Commissionerate, Jalandhar.

2. Learned counsel for the petitioner submits that after completion of investigation, police submitted challan before the learned trial Court, and petitioner had been appearing before the said Court. However, due to certain unfortunate personal and family circumstances, she could not continue regular appearance.

3. Learned counsel submits that petitioner was initially granted anticipatory bail vide order dated 05.10.2019. Thereafter, due to the death of the petitioner's mother, she could not appear before the Court and was declared a proclaimed offender. However, she was subsequently granted bail vide order dated 19.10.2020 and joined the proceedings. Thereafter, due to further personal difficulties and disturbed mental condition arising out of

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domestic issues and prolonged litigation, she again could not appear before the Court, resulting in cancellation of bail vide order dated 02.12.2022, and she was ultimately declared a proclaimed person vide order dated 15.05.2023.

4. Learned counsel for the petitioner contends that after petitioner was declared a proclaimed person, no further action has been taken, including the 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. She is, however, ready and willing to surrender before the learned Trial Court and join the proceedings in the aforesaid case to facilitate its early conclusion. Petitioner undertakes to fully cooperate with the trial proceedings.

Learned counsel further submits that the petitioner's absence before the learned Trial Court was neither intentional nor deliberate, but solely due to the reasons explained hereinabove.

5. He further contends that, if one more opportunity is afforded to the petitioner to appear by granting some protection from arrest, she undertakes that in all the future proceedings of the present case, she would never be absent from the Court, except by obtaining prior permission from the Court, and thus will fully cooperate in the Court proceedings for early completion of trial.

6. Notice of motion.

7. 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

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learned counsel for the petitioner.

8. 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.

9. 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.

10. 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, 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



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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)***.

11. 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 15.05.2025(Annexure P-3), whereby the petitioner was declared a ‘proclaimed person.’ Petitioner is directed to be released on bail upon her surrender before the trial Court on or before 15.05.2026.

12. 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.

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13. However, this order shall be subject to the payment of Rs.25,000/- (Rupees twenty five thousand only) 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

30.04.2026*rashmi*

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