



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

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**CRM-M-23575-2026
Decided on : 29.04.2026**

Rinku @ Rocky

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Rubi Khokhare, Advocate for
Mr. Malkiat S. Hundal, 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 07.01.2026(Annexure P-5), whereby the petitioner has been declared as proclaimed Person/offender in case FIR No. 193 dated 22.09.2024, under Sections 61/1/14 of Punjab Excise Act, registered at Police Station City Tarn Taran, District Tarn Taran.

2. Learned counsel for the petitioner submits that FIR No. 193 dated 22.09.2024 (Annexure P-1/T) was registered on the basis of information received from a secret informer, alleging that petitioner, along with other co-accused, is involved in the business of selling illicit liquor.

It is further submitted that petitioner was granted the concession of regular bail vide order dated 19.11.2024 (Annexure P-2) and thereafter continued to appear regularly before the learned Trial Court. Challan was subsequently presented on 27.01.2025, and charges were framed on 28.01.2025, as reflected in the zimini order dated 28.01.2025 (Annexure P-3).

3. Learned counsel submits that due to certain miscommunication between the petitioner and his counsel, petitioner could not appear before the

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learned Trial Court on 04.03.2025 and 01.04.2025. Counsel submits that the said absence was neither deliberate nor intentional, nor with any intent to evade the process of law. However, on account of the said non-appearance, the bail of the petitioner was cancelled, bail bonds and surety bonds were forfeited, and thereafter non-bailable warrants (NBWs) were issued against him. Subsequently, repeated NBWs were also issued, as reflected in the zimini orders dated 04.03.2025 to 15.12.2025 (Annexure P-4).

Thereafter, proclamation proceedings under Section 84 of the BNSS were initiated against the petitioner on 10.10.2025, fixing 13.11.2025 as the returnable date. However, same were not properly served upon the petitioner and were again re-issued for 15.12.2025. It is submitted that on 15.12.2025, proclamation was stated to have been effected, and the case was adjourned to 07.01.2026. On the said date, petitioner was declared proclaimed person vide impugned order dated 07.01.2026 (Annexure P-5).

4. Learned counsel contends that the learned Trial Court failed to appreciate that no proper service of proclamation was effected upon the petitioner, and no proclamation was affixed at his residence. The impugned order has been passed in a mechanical manner without due compliance of the mandatory statutory requirements under Section 82 Cr.P.C./corresponding provisions of BNSS.

It is further submitted that the petitioner was not intentionally absconding, and the mere fact that his house was found locked at the relevant time does not, by itself, establish willful evasion of the process of law. The impugned order, therefore, has been passed without due application of mind and is liable to be set aside.



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It is also submitted that the petitioner is involved in other FIRs/cases as per his own disclosure; however, he is stated to be on bail in those matters, as specifically mentioned in para 12 of the petition. The petitioner has been declared a proclaimed person only in the present case.

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).

The petitioner, being declared a proclaimed person, apprehends his arrest. However, he 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, he 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.



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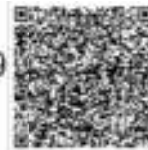
7. Learned State counsel opposes the request of the petitioner, and submits that petitioner has willfully remained absent from the proceedings of learned Trial Court and thus, does not deserve any sympathy. Therefore, petitioner should be directed to surrender before the Court and to face trial.

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, he 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 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 07.01.2026(Annexure P-5), whereby petitioner was declared a ‘proclaimed person/offender.’ Petitioner is directed to be released on bail upon his surrender before the trial Court on or before 15.05.2026.

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 he 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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12. 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.

13. 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.

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

(SANJAY VASHISTH)
JUDGE

29.04.2026*rashmi*

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