



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

CRM-M-25392-2026

Date of decision: 06.05.2026

HARPREET SINGH @ AJAY

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Sandeep Wadhawan, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG Punjab.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. The present petition has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for setting aside of the impugned order dated 04.02.2025 (Annexure P-8), whereby the learned Additional Sessions Judge, Amritsar cancelled the bail bonds/surety bonds of the petitioner and were forfeited to the State followed by issuance of non-bailable warrants of arrest and order dated 23.03.2026 (Annexure P-10) whereby the petitioner was declared as a proclaimed offender.

2. Learned counsel for the petitioner submits that FIR No.60 dated 20.03.2018 under Sections 109, 333, 324, 191(3), 190 BNS, 2023 and Sections 25, 27, 54, 59 of the Arms Act was registered at P.S. Sadar, District Amritsar, against the petitioner. He submits that earlier the petitioner was regularly appearing before the learned Trial Court, however, due to lack of communication with his counsel and also on account of



of his case. As a result, vide order dated 04.02.2025 (Annexure P-8) bail bonds/surety bonds of the petitioner were cancelled and forfeited to the State and non-bailable warrants were issued against the petitioner and ultimately, he was declared a proclaimed offender by the trial court vide order dated 23.03.2026 (Annexure P-10).

3. He further argues that since petitioner was never served with any notice/warrant, hence, the impugned order has been passed without complying with the requirements of section 82 Cr.P.C. (section 84 BNSS). He further submits that the petitioner undertakes to appear before the trial Court on each and every date of hearing. Hence, he prays for quashing of the said order.

4. Notice of motion.

5. Mr. Amritpal Singh Gill, DAG Punjab accepts notice on behalf of respondent-State and supports the impugned order, contending that the petitioner deliberately avoided appearance, leaving the trial Court with no option but to issue proclamation to secure his presence.

6. I have heard learned counsel for the parties and perused the record.

7. The object behind issuance of non-bailable warrants or proclamation is only to secure the presence of the accused. In the present case, the petitioner has voluntarily approached this Court and undertaken to appear before the trial Court regularly.



8. The determination of whether the default of an accused is intentional or unintentional must be made on a case-by-case basis, taking into account the specific facts and circumstances of each case. Where it is established that the absence, or prolonged absence, of the accused is deliberate and intended to evade the process of law, appropriate costs may be imposed after considering the nature of the offence and the capacity of the accused to pay any cost.

9. In the present case, apart from a bald assertion that requirements of Section 82 Cr.P.C. were not complied with before declaring petitioner a Proclaimed offender, no plausible ground has been raised by the learned counsel for the petitioner to support his contention. However, still this court is inclined in taking a lenient view keeping in view the facts and circumstances of the case in hand.

10. In view of the foregoing discussion, the petition is allowed. The impugned order dated 04.02.2025 (Annexure P-8), whereby the bail bonds/surety bonds of the petitioner were cancelled and forfeited to the State followed by issuance of non-bailable warrants of arrest and order dated 23.03.2026 (Annexure P-10), declaring the petitioner proclaimed person, are set aside and the petitioner is directed to appear before the trial Court within four weeks from today, subject to payment of Rs.10,000/- as costs to be deposited by the petitioner in **Poor Patients Welfare Fund, PGIMER, Chandigarh**. Upon doing so, he shall be released on bail subject to furnishing fresh bail bonds and surety bonds to the satisfaction of the trial Court.



11. Besides, petitioner shall also file an undertaking/affidavit that he will appear in all future proceedings of the trial and proceedings shall not be delayed because of his conduct.

12. It is made clear that in case, petitioner fails to appear before the trial court within the stipulated period, this order shall be deemed to be vacated.

06.05.2026		(RUPINDERJIT CHAHAL)
puneet		JUDGE
i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No