



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-25528-2026 (O&M)

Decided on : 07.05.2026

Mehak Masih

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Diksha Mahajan, Advocae
for the petitioner(s).

Mr. Vinay Malhora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. By way of instant petition, filed under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), petitioner – Mehak Masih, has sought quashing of orders dated 17.11.2025, 02.12.2025, 17.12.2025, 09.01.2026 and 20.02.2026 (appended as Annexures P-3 to P-7, respectively), vide which, his bail order and bail bonds have been cancelled and non-bailable warrants have been issued against him. Besides, petitioner has also sought quashing of proclamation order dated 25.03.2026 (Annexure P-8), whereby, proclamation proceedings have been initiated against him for 22.05.2026, by learned JMIC, Gurdaspur, in proceedings arising out of FIR No.82 dated 20.06.2025, registered under Sections 304 and 3(5) of the BNS, 2023 (corresponding to Section 34 IPC), at Police Station Dhariwal, District Gurdaspur.

2. Learned counsel for the petitioner submits that after being released on bail in the present case on 10.07.2025 (P-2), petitioner had been regularly appearing before the trial Court. However, due to noting of a wrong

date as 17.01.2026, petitioner could not appear before the trial Court on the dates fixed, i.e. 17.11.2025, 02.12.2025, 17.12.2025 and 09.01.2026, respectively. Thereafter, petitioner also lost contact with his counsel and due to communication gap between the petitioner and his counsel, he could not appear before the trial Court even on 20.02.2026 and 25.03.2026. Thus, on account of said lapse, after cancellation of his bail/surety bonds, same were forfeited to the State and thereafter, in due course of time, non-bailable warrants *qua* petitioner were issued.

Learned counsel further submits that when in March, 2026, petitioner contacted his counsel, he came to know about the impugned orders i.e. cancellation of bail, issuance of non-bailable warrants and initiation of proclamation proceedings, having been passed during the period when he remained absent from Court proceedings. He immediately filed anticipatory bail petition before the learned Sessions Court, however, same was dismissed vide order dated 07.04.2026 (P-9).

3. Learned counsel for the petitioner submits that non-appearance of the petitioner was neither deliberate nor intentionally, but due to the compelling circumstances mentioned here-above. However, to cut-short the issue, he submits that petitioner is willing to join the process of law, is he is granted on opportunity, subject to certain conditions as laid down by this Court.

4. On noticing the contention of petitioner's counsel, this Court is also not required to examine the sustainability of the impugned orders, however, inclination has been expressed by the petitioner himself that in case one opportunity is granted for releasing the petitioner on bail, by protecting him from arrest, he shall not absent himself in future without prior permission from the Court, and shall fully cooperate for early disposal of the

trial.

5. On the other hand, learned State counsel, while appearing on advance notice, 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. 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 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.

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. 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*).

7. I have considered the submissions of both the sides and examined the relevant material available on record. The petitioner has remiss in appearing before the Court due the reasons mentioned here-above, and consequently, impugned order (P-3) declaring the petitioner as ‘proclaimed person’ has been passed against him. It also cannot be left unnoticed that as and when the petitioner came to know about passing of the impugned order, the petitioner has immediately moved the present petition, showing his inclination to submit himself before the trial Court.

8. In totality of the circumstances, I am of the view that petitioner deserves one opportunity to appear before the trial Court, so that proceedings may restart and continue in a smooth manner. Accordingly, prayer of the petitioner is accepted. Impugned orders dated 17.11.2025, 02.12.2025, 17.12.2025, 09.01.2026, 20.02.2026 and 25.03.2026 (appended as Annexures P-3 to P-8, respectively) are hereby **set aside** *qua* the petitioner, and he is directed to be released on bail, in the eventuality of his surrender before the trial Court on or before **22.05.2026**.

The petitioner shall also furnish fresh bail bonds/surety bonds to

the satisfaction of the trial Court. Besides, petitioner shall also submit a specific undertaking/affidavit that he shall continue to appear during the trial proceedings in future and proceedings shall not be delayed on account of his conduct.

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

Pending misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

May 07, 2026

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*