



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

137

**CRM-M-25547-2026.
Date of Decision: 07.05.2026.**

Dilraj Singh

....Petitioner.

VERSUS

State of Haryana and another

....Respondents.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. Deputy Advocate General,
Haryana.

SANJAY VASHISTH, J. (Oral)

1. Petitioner–Dilraj Singh, aged 69 years, has filed present petition under section 528 of BNSS for quashing of order dated 31.10.2025 (Annexure P-2) and order dated 02.01.2026, whereby Court of learned Judicial Magistrate Ist Class, Panchkula (trial Court), after issuing proclamation proceedings, declared him ‘Proclaimed Person’, in Complaint Case No.NACT-23 of 2021 dated 12.01.2021 filed under Section 138 of the Negotiable Instruments Act read with Section 420 IPC.

2. Referring to the averments made in paragraph No.14 of the petition, counsel contends that petitioner was never served in the complaint case either through summons, bailable warrants or non-bailable warrants and even mandatory provisions of Section 82 Cr.P.C. were not correctly followed

by the trial Court before initiating proclamation proceedings and declaring the petitioner 'Proclaimed Person'. Counsel, therefore, prays that the petitioner be granted one more opportunity, protecting him from undue harassment.

3. Notice of motion.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

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

11. 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.

12. Accordingly, plea of the petitioner is accepted. Impugned orders dated 31.10.2025 (Annexure P-2) and 02.01.2026 (Annexure P3) are set aside to the extent of issuance of proclamation proceedings and declaring the petitioner ‘Proclaimed Person’, and petitioner is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before **18.05.2026.**

The petitioner shall also furnish fresh 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.

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

(SANJAY VASHISTH)
JUDGE

07.05.2026
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No