



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-28245-2026
Decided on : 18.05.2026

DAMAN... Petitioner(s)
Versus
STATE OF PUNJAB... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Simranjit Singh, Advocate
for the petitioner(s).

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 29.04.2026 (Annexure P-2), whereby the petitioner has been declared as ‘proclaimed person’, on account of his non-appearance in the following FIR:-

FIR No.	Date	Section(s)	Police Station	District
0096	30.08.2022	381, 408 of IPC (corresponding to sections 120-B, 506, 201 IPC added later on) [sections 306, 316(4) of IPC (corresponding to sections 61, 351(2), 238 of BNS) added later on]	City Nakodar	Jalandhar

2. Learned counsel for the petitioner submits that after registration of the FIR and completion of investigation, *challan* was presented before learned trial Court on 03.03.2025, whereupon cognizance of the offences was taken and summons were issued to the accused persons, including the present petitioner.



It is further submitted that petitioner was never personally served with any summons, notice, or warrant issued by learned trial Court. Petitioner is a permanent resident of Mohalla Rishi Nagar, Nakodar, and has continuously been residing at the said address. It is contended that petitioner had no knowledge whatsoever regarding the pendency of the aforesaid criminal proceedings, as he had travelled abroad during the relevant period in connection with his employment and livelihood. Owing to such compelling circumstances, he could not appear before learned trial Court. Consequently, on account of his non-appearance, proceedings remained adjourned for a period of approximately six months.

In support of the aforesaid contention, learned counsel has referred to the zimni orders appended with the petition as Annexure P-3, which, clearly demonstrate that petitioner was never duly served during the relevant period. Eventually, petitioner was declared a 'proclaimed person' vide order dated 29.04.2026 (Annexure P-2).

3. Learned counsel further contends that although petitioner may have committed a lapse by not appearing before the Court below, the mandatory provisions of Section 82 Cr.P.C. were not complied with in their true letter and spirit before passing the proclamation order.

It is, thus, submitted that immediately upon acquiring knowledge of the impugned proclamation order, petitioner approached this Court by way of the present petition. Without entering into the merits of the case, learned counsel prays that one opportunity be granted to the petitioner to appear before learned trial Court and seek regular bail, while protecting him from arrest. Petitioner undertakes that he shall not absent himself from the proceedings in future, without prior permission of the Court and shall fully cooperate in the expeditious disposal of the trial.



4. Notice of motion.

5. 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.

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 to the reasons mentioned here above, and consequently, impugned order declaring the petitioner ‘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 moved the present petition, showing his inclination to submit himself before the trial Court.

8. 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. Accordingly, plea of the petitioner is accepted. Impugned order dated 29.04.2026 (P-2) is **set aside** to the extent of declaring the petitioner as ‘proclaimed person’, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court **on or before 05.06.2026**.

The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would also submit



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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.

However, this order shall be subject to the payment of Rs.15,000/- 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.

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

10. Pending miscellaneous application(s), if any, shall stand disposed of.

(SANJAY VASHISTH)
JUDGE

May 18, 2026

ps/Lavisha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No