



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

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**CRM-M-28652-2026
Decided on : 20.05.2026**

Davinder Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ashok Kumar Khunger, Advocate
for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Davinder Singh, has filed the instant petition seeking setting aside of impugned order dated 19.12.2025 (Annexure P-4), passed by learned Additional Sessions Judge, Fazilka, in case FIR No.155 dated 17.09.2018, registered under Section 379-B IPC [corresponding to Section 304(2) of BNS, 2023] at Police Station City-1, Abohar, District Fazilka, whereby, after cancellation of the bail already granted to the petitioner, proclamation proceedings were initiated against him for 07.03.2026.

2. Learned counsel for the petitioner submits that after registration of the FIR on 17.09.2018, the petitioner was arrested on 20.09.2018. Thereafter, considering the allegations, the petitioner was released on bail by the Court of learned Additional Sessions Judge, Fazilka, vide order dated 12.11.2018 (Annexure P-2).

3. Learned counsel further submits that after grant of bail, the petitioner continued appearing in the proceedings of the case. However,

despite pendency of the trial for such a long period, no final conclusion could be reached by the learned trial Court.

It is further submitted that while the petitioner was admitted in a Drug De-addiction Centre at Sri Ganganagar (Rajasthan) from 14.11.2025 to 14.05.2026, he could not appear before the learned trial Court on 19.12.2025, and consequently, the bail already granted to him was cancelled and non-bailable warrants were issued against him.

In support of his submissions, learned counsel refers to certificate dated 07.04.2026 (Annexure P-5), issued by Sri Guru Hargobind Sahib Ji Drug De-Addiction and Rehabilitation Centre (Operated by S.S.S. Dukh Niwaran Sahib Trust), Gurudwara Dukh Niwaran Saheedan, 18-F, Near Matili Rathan, Tehsil Sri Ganganagar (Rajasthan)-335001. Thus, learned counsel submits that the absence of the petitioner was neither intentional nor deliberate, but occurred due to the reasons noticed here-above.

4. It is further undertaken that in case one opportunity is granted, the petitioner shall not absent himself in future without prior permission of the Court and shall fully cooperate for expeditious disposal of the trial.

Thus, submits that the petitioner is now ready to join the process of law. It is prayed that the petitioner be protected from arrest and be ordered to be released on bail upon his surrender before the learned trial Court.

5. After hearing learned counsel for the petitioner and perusing the record, this Court is of the view that dispute raised through the present petition can be decided *in limine* and without calling for the presence of respondents, because the way this Court intends to dispose of the present petition, no prejudice is likely to be suffered by the complainant *qua* his

rights.

6. Once petitioner himself has come forward for joining the proceedings in the trial, which is pending adjudication before trial Court, and result of which, he must be awaiting, it would be appropriate to afford once more chance to him to put in appearance before the learned trial Court.

7. It is also noticed that in number of cases, this Court has been experiencing the situation wherein, accused stopped appearing before trial Court in the criminal cases after being released on bail and thereby compelling the Court to issue non-bailable warrants by cancelling the bail already granted or such accused has been declared 'Proclaimed Person'/Proclaimed Offender'. After examining the facts from several cases, this Court has formulated and applied a uniform method by satisfying itself that such accused would appear before the concerned Court, to enable it to proceed further, instead of delaying the proceedings to await the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case in which he is 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 after 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.*

8. I have considered the submissions and examined the relevant material available on record. The petitioner has remiss in appearing before the Court only on one date, and consequently, on 19.12.2025 (P-4), when impugned order, has been passed against him. It also cannot be left unnoticed that within five months of the absence from the Court, and on coming to know about passing of the impugned order, petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

9. 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 (supra) is **set aside** to the extent of issuance of proclamation against the petitioner, 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, in case the bail bonds have already been forfeited. 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.

10. Since, there is no allegation that after registration of the FIR and release of the petitioner on bail, up-till passing of the impugned order dated 19.12.2025 (Annexure P-4), he had ever remained absent from the trial proceedings earlier, or that trial was delayed on account of his conduct at any previous stage, this Court deems it appropriate, not to impose any costs upon the petitioner, at this stage.

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

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

(SANJAY VASHISTH)
JUDGE

May 20, 2026

J.Ram

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