



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

130

CRM-M-29581-2026
Decided on : 22.05.2026

Baljinder Singh @ Jindi . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Gurdeep Kaur, 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 14.01.2026, 06.04.2026 & 11.05.2026 (Annexure P-5, P-7 & P-8, respectively), passed by Ld. Judicial Magistrate First Class, Jagraon (in short, 'Ld. JMIC'), whereby the petitioner has been declared as 'proclaimed offender', on account of his non-appearance in the following FIR:-

FIR No.	Date	Section(s)	Police Station	District
29	11.03.2021	279, 304A, 427 of IPC	Sadar Raikot,	Ludhiana

2. After registration of the FIR in question, the petitioner was released on bail. Thereafter, upon completion of investigation and presentation of the challan, petitioner never received any information or notice regarding the proceedings before the trial Court. Even the orders dated 12.08.2021, 16.12.2022 and 11.09.2023 reflect that notices issued to the petitioner had been received back unserved. Further, upon noticing the same position on 11.09.2023, fresh bailable warrants in the sum of Rs.5,000/- with one surety in the like amount, through the Investigating Officer, were again issued for 09.10.2023.

Thereafter, in due course of time, when the situation still remained unchanged, non-bailable warrants were issued against the petitioner on 22.12.2025. Since said non-bailable warrants were not received back, learned JMIC, Jagraon, vide order dated 14.01.2026 (Annexure P-5), directed the Ahlmad to put up a note regarding proclamation and further directed the serving constable to effect the proclamation strictly in compliance with the provisions of Section 82(2) Cr.P.C.

Thereafter, after carrying out the necessary steps and purported compliance with the provisions of law, petitioner was ultimately declared a proclaimed offender vide order dated 06.04.2026.

3. Learned counsel for the petitioner further submits that the learned trial Court initiated proclamation proceedings against the petitioner merely on account of the non-receipt of the non-bailable warrants. However, petitioner had no knowledge whatsoever of the aforesaid proceedings and, since he was no longer residing at the address available in the trial Court record, he could never be served with the summons or warrants issued against him. This fact is fortified from the zimni orders appended with the present petition as Annexures P-1 to P-8 (including the impugned orders).

Thus, learned counsel submits that the mandatory provisions of Section 82 Cr.P.C. were not complied with in their true letter and spirit. It is further submitted that immediately upon coming to know about the order declaring him a “proclaimed offender/person”, petitioner approached this Court by way of the present petition. Learned counsel further undertakes that, in case one opportunity is granted to the petitioner by protecting him from arrest and releasing him on bail, he shall not absent himself from the proceedings in future without prior permission of the Court and shall fully cooperate for 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 only on one date i.e. on 14.01.2026, 06.04.2026 and 11.05.2026, when 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 14.01.2026, 06.04.2026 & 11.05.2026 (P-5, P-7 & P-8, respectively) are **set aside** to the extent of declaring the petitioner as ‘proclaimed offender/person’, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court/Illaq Magistrate/Duty Magistrate, on or before **08.06.2026**.

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.

However, this order shall be subject to the payment of Rs.10,000/- 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.**

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

(SANJAY VASHISTH)
JUDGE

May 22, 2026

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*