159

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31232-2026
Date of Decision : 29.05.2026

Gurjeet Singh @ Sadhu

……Petitioner

Versus

State of Punjab

……Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

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

Mr. Vinay Malhotra, DAG Punjab

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SANJAY VASHISTH, J. (Oral)

1. Petitioner – Gurjeet Singh @ Sadhu, aged 29 years, has filed present petition under section 528 of BNSS for setting aside of the order dated 29.03.2025, passed by the Court of learned Judge, Special Court Mansa, in case No. NDPS/276/2021 titled as *State of Punjab vs. Gurpreet Singh etc.,* whereby the petitioner has been declared as proclaimed person under Section 82 Cr.P.C. in case FIR No. 23 dated 14.02.2020 under Sections 15 and 25 of NDPS Act, 1985 registered at Police Station Bareta, District Mansa and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that in the aforementioned FIR, the petitioner has been falsely implicated and he remained in custody from 24.02.2021. Vide order dated 24.03.2021 passed by learned Judge, Special Court Mansa, he was released on bail. The petitioner was appearing on each and every date of hearing, however, on 14.01.2022, he could not appear because he was

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suffering from serious medical ailments and remained under continuous medical treatment. On 30.05.2022, his bail order was cancelled and his bail bonds and surety bonds were forfeited to the State and non-bailable warrants were issued. On 29.03.2025(Annexure P-4), he was declared proclaimed person.

3. Learned counsel further submits that the petitioner's absence was not due to any *mala fide* intent or with the intention to evade the court. Counsel, therefore, prays that the petitioner be granted one more opportunity, protecting him from undue harassment.

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. 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.

7. 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.

8. Primary object of every Court is only to examine the commission of

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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.

9. 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.

10. 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.

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

12. 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

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and continue in smooth manner.

13 Accordingly, plea of the petitioner is accepted. Impugned order dated 29.03.2025 (Annexure P-4) is set aside to the extent of declaring him 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 19.06.2026.

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.

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

(SANJAY VASHISTH)
JUDGE

May 29, 2026
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Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO

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