



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

CRM-M-30712-2026

Date of decision: 27.05.2026

ARSH KHURANA**....Petitioner****Versus****UNION TERRITORY, CHANDIGARH****....Respondent****CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present:- Mr. Rohit Khullar, Advocate for the petitioner.

Mr. Sandeep Kumar, Advocate for
Mr. Amit Kumar Goyal, Addl. P.P. UT Chandigarh.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. The present petition has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, assailing the impugned order dated 13.08.2018 (Annexure P-8), whereby the learned Chief Judicial Magistrate, Chandigarh has declared the petitioner a proclaimed person.
2. Learned counsel for the petitioner submits that FIR No.262 dated 15.10.2017 under Sections 406, 420, 201 and 120-B IPC, was registered at P.S. Mani Majra, Chandigarh, against the petitioner on the basis of a complaint filed by one Mrs. Krishan Lata Sharma. He submits that since the petitioner was living abroad he was unaware of the registration of the FIR and resultantly failed to appear before the learned Trial Court. He submits that due to his non-appearance the petitioner was declared a proclaimed person by the trial court vide order dated 13.08.2018 (Annexure P-8).
3. He submits that the petitioner came to know about all these proceedings in January, 2021 when the police visited his house and asked the whereabouts of the petitioner from his family members and in inquiry, it was



told that the petitioner has been declared as proclaimed person in the present FIR. Accordingly, the petitioner approached this Hon'ble High Court seeking quashing of the order dated 13.08.2018 passed by learned Judicial Magistrate Ist Class, Chandigarh declaring him proclaimed person, however, the said petition came to be dismissed as withdrawn vide order dated 24.11.2021, with liberty to file afresh as soon as there is a definite programme of the petitioner to come to India. He further submits that the petitioner undertakes to appear before the trial Court on each and every date of hearing. Hence, he prays for quashing of the said order.

4. Notice of motion.

5. Mr. Sandeep Kumar, Advocate accepts notice on behalf of respondent-State and supports the impugned order, contending that the petitioner deliberately avoided appearance, leaving the trial Court with no option but to issue proclamation to secure his presence.

6. I have heard learned counsel for the parties and perused the record.

7. The object behind issuance of non-bailable warrants or proclamation is only to secure the presence of the accused. In the present case, the petitioner has voluntarily approached this Court and undertaken to appear before the trial Court regularly.

8. The determination of whether the default of an accused is intentional or unintentional must be made on a case-by-case basis, taking into account the specific facts and circumstances of each case. Where it is established that the absence, or prolonged absence, of the accused is deliberate and intended to evade the process of law, appropriate costs may be imposed after considering the nature of the offence and the capacity of the accused to pay any cost.

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9. In the present case, the conduct of the petitioner is not bona fide. Despite gaining knowledge of the impugned order in 2021, he had not attended the proceedings before the learned Trial Court and now after almost five years chose to get the impugned order quashed as per his convenience. However, still this court is inclined in taking a lenient view so that the trial resumes.

10. In view of the foregoing discussion, and without meaning to comment anything on the merits of the case, the petition is allowed. The impugned order dated 13.08.2018 (Annexure P-8), declaring the petitioner proclaimed person, is set aside and the petitioner is directed to appear before the trial Court within eight weeks from today, subject to payment of Rs.50,000/- as costs to be deposited by the petitioner in **Poor Patients Welfare Fund, PGIMER Chandigarh**. Upon doing so, he shall be released on bail subject to furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court.

11. Besides, petitioner shall also file an undertaking/affidavit that he will appear in all future proceedings of the trial and proceedings shall not be delayed because of his conduct.

12. It is made clear that in case, petitioner fails to appear before the trial court within the stipulated period, this order shall be deemed to be vacated.

(RUPINDERJIT CHAHAL)
JUDGE

27.05.2026
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No