



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

117

CRM-M-32366-2026.

Date of Decision: 01.07.2026.

Sunita Rani

....Petitioner.

VERSUS

Krishan Kumar

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sanjeev Sharma, Advocate for the petitioner.

SANJAY VASHISTH, J. (Oral)

1. Petitioner-Sunita Rani, aged 33 years, has filed present petition under section 528 of BNSS for quashing of order dated 31.05.2024 (Annexure P-19), whereby Court of learned Judicial Magistrate Ist Class, Hisar, (trial Court) has issued proclamation under Section 84/85 of BNSS, as well as order dated 08.08.2024 (Annexure P-21), vide which the petitioner has been declared 'proclaimed person' in Complaint Case No.NACT-1182-2020 titled 'Krishan Kumar vs. Sunita Devi' under Section 138 of the Negotiable Instruments Act.

2. Learned counsel for the petitioner argues that in the aforesaid complaint case, the petitioner had already joined the proceedings and she was released on bail vide order dated 25.08.2022. Thereafter, the petitioner has been regularly appearing before the trial Court. However, on account of her absence on 27.03.2023, her bail was cancelled and bail bonds were forfeited.

The petitioner appeared before the trial Court and she was again granted the concession of bail, vide order dated 16.05.2023. However, again due to non-appearance of the petitioner on 21.10.2023, her bail was cancelled and she was ordered to be summoned throughailable warrants, non-bailable warrants and proclamation and ultimately vide order dated 08.08.2024, she was declared 'proclaimed person'. Learned counsel submits that the disputed cheque amount is Rs.3 Lakhs and petitioner, who is a household woman, could not appear before the trial Court due to unavoidable circumstances and she is not habitually involved in criminal cases. The absence of petitioner was neither intentional nor deliberate.

Counsel further contends that procedure prescribed under the Act i.e. Section 82 of Cr.P.C. was not duly adopted. However, without addressing much on this issue, learned counsel contends that petitioner is now willing to appear before the Court to join the process of law with the assurance that she would never absent from the Court in future. However, she seeks one opportunity for the same purpose subject to payment of some cost.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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 of both the sides and examined the relevant material available on record.

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.

10. Accordingly, plea of the petitioner is accepted. Impugned orders dated 31.05.2024 (Annexure P-19) and 08.08.2024 (Annexure P-21) are set aside to the extent of issuance of proclamation against the petitioner and declaring her 'proclaimed person' and all the consequential proceedings and she is directed to be released on bail, in the eventuality of surrender by her before the trial Court on or before **20.07.2026**.

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 she will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of her conduct.

However, this order shall be subject to the payment of **Rs.20,000/-** 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.

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

(SANJAY VASHISTH)
JUDGE

01.07.2026
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No