



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-33348-2026
Decided on : 01.07.2026

Gurtej Singh . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vaibhav Narang, Advocate
for the petitioner(s).

Mr. Manjinder S. Bhullar, 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 27.10.2022 (Annexure P-2), passed by Ld. Judicial Magistrate First Class, Amritsar (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
165	19.11.2017	S. 380, 457, 411, 34 of IPC [corresponding S. 305, 331(4), 317(2), 3(5) of BNS, 2023]	'C' Division	Amritsar

2. Learned counsel for the petitioner contends that the petitioner was declared a 'proclaimed offender' vide order dated 27.10.2022 (Annexure P-2). However, he submits that the entire process relating to issuance and execution of summons, warrants and proclamation was carried out at a wrong address, where the petitioner had never resided at any point of time, i.e., Village Khajuha, P.S. Farjan, District Lakhimpur Khiri, Uttar Pradesh. Whereas, petitioner is a permanent resident of Village Mohalla Kacha Qila,

Attari, Tehsil and District Amritsar.

Learned counsel further submits that the petitioner was regularly appearing before the learned trial Court and had never intentionally remained absent. It was only on 16.03.2020 that the petitioner could not appear before the learned trial Court due to the outbreak of the COVID-19 pandemic, when the Courts were closed for an indefinite period.

Meanwhile, petitioner's counsel before the trial Court kept informing him about the dates of hearing. Subsequently, he informed the petitioner that, since the case was petty in nature, it had been closed and no further date had been fixed, and therefore, the petitioner was not required to appear any further. Resultantly, under a *bona fide* belief, the petitioner stopped appearing before the learned trial Court and, ultimately, was declared a 'proclaimed offender' vide impugned order dated 27.10.2022 (P-2).

3. Learned counsel further submits that the petitioner was never aware of the initiation of proclamation proceedings against him. However, immediately upon coming to know that he had been declared a 'proclaimed offender', he approached this Court by way of the present petition.

Thus, learned counsel submits that if one opportunity is granted by protecting the petitioner from arrest and releasing him on bail, the petitioner undertakes that he shall not absent himself from the proceedings in future without prior permission of the Court and shall fully cooperate in the early conclusion 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 27.10.2022 (P-2), when impugned order declaring the petitioner ‘proclaimed offender’ 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 27.10.2022 (P-2) is **set aside** to the extent of declaring the petitioner as ‘proclaimed offender’, and he is directed to be released on bail, in the eventuality of surrender by him 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 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**

July 01, 2026

J.Ram

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>