



CRM-M-34095-2026

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

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CRM-M-34095-2026

Date of decision 01.07.2026.

INDERPAL SINGH

..... PETITIONER

VERSUS

STATE OF UT CHANDIGARH AND ORS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. A.P. Kaushal, Advocate
for the petitioner.

Mr. Manish Bansal, PP, UT Chandigarh.

SURYA PARTAP SINGH. J.

1. This is a petition under Section 528 of the 'Bharatiya Nagarik Suraksha Sanhita, 2023', hereinafter being referred to as "BNSS". By virtue of present petition, the order dated 26.05.2026 (Annexure P-9) passed by the learned Judicial Magistrate 1st Class, Chandigarh, hereinafter being referred to as 'impugned order' has been sought to be quashed.

2. In nut-shell the facts emerging from record are that the petitioner is facing trial for the commission of offence punishable under Section 318(4) of Bharatiya Nyaya Sanhita and Section 66-D of Information Technology Act, 2000. In the above-mentioned case, the benefit of bail was accorded to the petitioner. Thereafter, the petitioner continued to face trial and appeared in the



Court on various occasions till 11.12.2023. After 11.12.2023, the learned trial Court fixed the case for prosecution evidence on 13.03.2024, 29.05.2024, 09.09.2024, 11.12.2024, 04.02.2025 and 24.04.2025. However, on the above-mentioned six occasions, the petitioner did not appear before the learned trial Court and on each and every date applications seeking exemption from personal appearance was filed, which was allowed by the learned trial Court.

3. In the backdrop of above-mentioned developments, when the case was fixed on 09.06.2025, nobody appeared on behalf of petitioner, and therefore, the learned trial Court cancelled the bail of the petitioner, forfeited his bail bonds and ordered to procure presence of petitioner in the Court through warrant of arrest. However, despite warrant of arrest when the presence of the petitioner could not be procured, the proclamation was issued by the learned trial Court vide order dated 24.02.2026 (for 26.05.2026). Despite proclamation, when the petitioner failed to turn up before the learned trial Court, vide order dated 26.05.2026, the petitioner has been declared a proclaimed offender.

4. It is also relevant to mention here that vide CRM-M-29916-2026, the petitioner had approached this Court for anticipatory bail but this Court vide order dated 22.05.2026 dismissed the petition for anticipatory bail, filed by the petitioner. However the petitioner was directed to surrender before the learned trial Court within a period of seven days. A further direction was issued by this Court to the learned trial Court to decide the bail application of the petitioner expeditiously. However, the petitioner has not complied with the above-mentioned direction.

5. Notice of motion.



6. Since advance notice has already been served upon the respondent-UT Chandigarh, Mr. Manish Bansal, PP, UT Chandigarh, accepts notice on behalf of respondent-UT Chandigarh. Hence, the service of notice upon the UT Chandigarh is hereby dispensed with.

7. Heard.

8. It has been contended on behalf of petitioner that the petitioner is a law abiding citizen, having no criminal antecedents, except the present case, and that in the past, he had been regularly appearing before the learned trial Court to face the prolonged trial. As per learned counsel for the petitioner, due to non-appearance of complainant any progress in the trial had not taken place. The learned counsel for the petitioner has further contended that the petitioner is a poor person, who was suffering from physical ailment also.

9. While contending that in the backdrop of above-mentioned fact the petitioner is entitled for a lenient view, the learned counsel for the petitioner has sought for quashing of order dated 26.05.2026, whereby the petitioner has been declared a proclaimed offender. In the alternative, the learned counsel for the petitioner has sought for extension of the period for surrender, granted by virtue of order dated 22.05.2026 in CRM-M-29916-2026.

10. The learned counsel for the respondent-UT has controverted the above-mentioned arguments. According to learned counsel for the respondent-UT, *firstly* the conduct of the petitioner can be gauged from the fact that on six consecutive occasions, just before the cancellation of bail, the petitioner did not appear before the learned trial Court, and that he failed to appear before the learned trial Court even on the publication of proclamation. As per learned



counsel for the respondent-UT in view of above-mentioned conduct of the petitioner, the petitioner is not entitled to a lenient view.

11. In addition to above, the learned counsel for the respondent-UT has also contended that the impugned order can be set aside only if there is any illegality or technical defect in the above-mentioned order, and that with regard to impugned order any such defect has not been pointed out.

12. The record has been perused carefully.

13. A careful perusal of record shows that in the present case, there is no denial of the fact that the bail of the petitioner was cancelled by virtue of order dated 09.06.2025 and on that day the petitioner was not present before the learned trial Court. Even the application for exemption was not filed on behalf of petitioner. It is also apparent on record that on six consecutive occasions prior to 09.06.2025, the petitioner did not physically attend the Court proceedings and sought exemption one after another.

14. A perusal of record further shows that despite cancellation of bail, the petitioner did not appear before the learned trial Court, and therefore, learned trial Court issued proclamation against the petitioner. But despite proclamation, the petitioner failed to appear before the learned trial Court.

15. Another relevant factor to be taken into consideration is that a direction was issued by this Court to the petitioner to surrender before the learned trial Court within a period of one week from 22.05.2026, i.e. by 29.05.2026. However the petitioner instead of complying with the above-mentioned order resorted to present petition.



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16. One more aspect to be taken into consideration is that in the entire process adopted by the learned trial Court, whereby the petitioner has been declared a proclaimed offender, apparently no defect has been pointed out.

17. Taking into consideration the cumulative effect of all the above-mentioned factors, in my opinion there is no merit in the present petition and no ground for quashing of impugned order is made out. Hence, finding no merit, the present petition is hereby **dismissed**, accordingly.

(SURYA PARTAP SINGH)
JUDGE

01.07.2026.

vipin Whether speaking/reasoned : Yes
Whether Reportable : No