



CRM-M-36564-2025

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

184

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Date of decision: 27.02.2026

VIKRAMJEET SINGH ALIAS VICKY

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG, Punjab.

RUPINDERJIT CHAHAL, J. (ORAL)

1. The present petition has been preferred under Section 482 Cr.P.C., assailing the impugned order dated 22.05.2024 (Annexure P-3), whereby the learned Judicial Magistrate Ist Class, Amritsar has declared the petitioner a proclaimed person.

2. Learned counsel for the petitioner submits that FIR No.5 dated 08.01.2019 registered under Section 61 Excise Act, 1914, against the petitioner. He submits that the petitioner was suffering from various medical ailments and has undergone the surgery on 30.08.2024, which led his non-appearance on 31.07.2023 and subsequently on 22.05.2024 he was declared a proclaimed person by the trial court.

3. He further argues that since petitioner was never served with any notice/warrant, hence, the impugned order has been passed without complying with the requirements of section 82 Cr.P.C. (section 84 BNSS).

He further submits that the petitioner undertakes to appear before the trial



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Court on each and every date of hearing. Hence, he prays for quashing of the said order.

4. Learned State counsel submits that the petitioner deliberately avoided appearance, leaving the trial Court with no option but to issue proclamation to secure his presence.

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

6. 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 undertakes to appear before the trial Court regularly.

7. 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.

8. In the present case, apart from a bald assertion that requirements of Section 82 Cr.P.C. were not complied with before declaring petitioner a Proclaimed person, no plausible ground has been raised by the learned counsel for the petitioner to support his contention. However, still this court is inclined in taking a lenient view keeping in view the facts and circumstances of the case in hand.



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9. In view of the foregoing discussion, the petition is allowed. The impugned order dated 22.05.2024 (Annexure P-3), declaring the petitioner proclaimed person, is set aside and the petitioner is directed to appear before the trial Court within two weeks from today, subject to payment of Rs.10,000/- 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.

10. 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.

11. 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.

27.02.2026

Mohit Bishnoi

(RUPINDERJIT CHAHAL)
JUDGE

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