



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

Sr.No.121

**CRM-M-46461-2025
Decided on : 24.04.2026**

Avtar Singh alias Tara

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Anuj Gupta, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. The present petition has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing the impugned order dated 21.04.1997 (Annexure P-3), passed by the Court of learned Judicial Magistrate Ist Class, Sirsa vide which the petitioner has been declared as proclaimed offender in case FIR No.36 dated 09.02.1993, registered under Sections 323, 325, 34 IPC, at Police Station Rania, District Sirsa and the order dated 06.06.2025 (Annexure P-6), passed by the Court of learned Addl. Sessions Judge, Sirsa, dismissing the revision petition filed by the petitioner against the aforesaid order dated 21.04.1997.

2. Learned counsel for the petitioner submits that the aforesaid FIR was registered against him on 09.02.1993. He submits that the petitioner was not aware about the proceedings as he was in wait of receipt of notice from the Juvenile Justice Board but no such notice was received. He further



contends that as no notice was received, therefore, the petitioner apprehending that the case against him has been settled down, he left the country and went to abroad on 30.07.1996 . Learned counsel submits that as the mother of the petitioner was seriously ill, therefore, the petitioner visited India and then he came to know about the aforesaid proceedings.

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

4. I have heard learned counsel for the petitioner and perused the record.

5. 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.

6. 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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7. 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.

8. In view of the foregoing discussion, the petition is allowed. The impugned orders dated 21.04.1997 and 06.06.2025 (Annexure P-3 and P-6), set aside and the petitioner is directed to appear before the trial Court within four 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.

9. 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.

10. 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.

24.04.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No