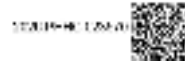


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CRM-M-51741-2025

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

CRM-M-51741-2025

Date of decision: 16.02.2026

HAPPY SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Tarun Singla, Advocate for the petitioner.

Ms. Aiman J. Chisti, AAG Punjab.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Mr. Tarun Singla, Advocate has put in appearance on behalf of the petitioner and has filed his vakalatnama with no objection from the previous counsel. The same is taken on record.

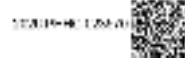
2. The present petition has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, assailing the impugned order dated 22.04.2024 (Annexure P-8) passed by learned Judicial Magistrate Ist Class, Sangrur vide which the bail bonds/surety bonds had been cancelled and forfeited to the State and order dated 30.08.2025 (Annexure P-6) whereby the petitioner has been declared a proclaimed person.

3. Learned counsel for the petitioner submits that FIR No.206 dated 29.10.2020 u/s 61 of the Punjab Excise Act, 1914 was registered at P.S. Sadar Sangrur, District Sangrur, against the petitioner. He submits that the petitioner was given concession of anticipatory bail by the Co-ordinate

4. 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 orders.

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

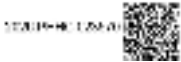
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I attest to the accuracy and
authenticity of this order/judgment



8. 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.

9. 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.

10. The petition is allowed. The order dated 22.04.2024 (Annexure P-8) issuing non-bailable warrants against the petitioner, as well as order dated 30.08.2025 (Annexure P-6) declaring him a proclaimed person, are set aside. The petitioner is directed to appear before the trial Court within four weeks from today, subject to payment of costs of Rs.10,000/- 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 fresh bail bonds and surety bonds to the satisfaction of the trial Court.



11. 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.

12. 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.

16.02.2026
puneet

(RUPINDERJIT CHAHAL)
JUDGE

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