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

CRM-M-67089-2025 (O&M)

Date of Decision:- 27.01.2026

SYED IMAMUL HUSSAIN ALIAS SYEAD IMAMUL HOSSAIN
....Petitioner

Vs.

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Hakam Singh, Advocate with Mr. Dixit Raj Kapoor,
Advocate and Ms. Amrita Sekhon, Advocate for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

AMARJOT BHATTI, J.

CRM-51387-2025

1. Learned counsel for applicant/petitioner has filed an application for placing on record Annexures P-5 and P-6.

Learned counsel for the State submits that he has no objection to the application being allowed.

For the reasons mentioned in the application and no objection suffered by State counsel, application is allowed and accompanied



documents (Annexure P-5 and P-6) are taken on record, subject to just exceptions.

Main case.

1. Petitioner Syed Imamul Hussain alias Syead Imamul Hossain has filed instant petition under Section 528 of BNSS, 2023 for quashing of impugned order dated 21.11.2025 (Annexure P-3) passed by Judicial Magistrate 1st Class, Patiala in FIR No.73 dated 20.09.2022 (Annexure P-1) under Sections 406 and 498-A IPC registered at Police Station Women Cell District Patiala vide which the present petitioner has been declared proclaimed offender (in fact order issuing proclamation) and for quashing of all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner pointed out that petitioner had engaged a counsel at Patiala while he was residing in West Bengal. Neither the counsel nor his clerk informed him about the proceedings before the trial Court. He was under the bonafide impression that he was being properly presented before the trial Court. Later-on, he came to know that on account of his non-appearance his bail bonds and surety bonds have been cancelled vide order dated 27.02.2025. Zimni orders annexed with the petition are Annexure P-2. There was no intentional or willful absence on his part. Petitioner is ready to face the trial and will appear regularly. At present, he has also filed his affidavit (Annexure P-6) giving his undertaking that he will appear regularly before the trial Court and will not file exemption application as he was doing it earlier.

3. Petition is opposed by learned State counsel.



4. I have gone through the record. Present petitioner is facing trial in FIR No.73 dated 20.09.2022 under Section 406 and 498-A IPC (Annexure P-1). As per zimni orders attached with the present petition, challan was presented on 06.04.2023. He was granted anticipatory bail by this Court and accordingly he furnished bail bonds and surety bonds as per order dated 17.05.2023 and the case was adjourned for 02.08.2023. From then onwards on 02.08.2023 and 13.09.2023 nobody appeared. Petitioner appeared on 06.10.2023 and on that date, charges were framed and the case was fixed for prosecution evidence. On the very next date, present petitioner filed application seeking exemption of his personal appearance. As per zimni orders, he filed applications seeking exemption on 28.11.2023, 12.03.2024, 29.04.2024, 22.05.2024, 06.08.2024, 04.09.2024, 10.10.2024, 29.10.2024 and 10.12.2024. On 16.01.2025 he was marked absent and notice was issued to him for 07.02.2025. Thereafter, his non-bailable warrants of arrest were issued 8 times which were received back unexecuted and finally his proclamation was ordered to be issued for 05.01.2026 and thereafter present petition has been filed.

5. Learned counsel for the petitioner has failed to justify long absence on the part of present petitioner. Rather the trial Court was liberal in allowing the applications seeking exemption of personal appearance time and again without giving any justification in the aforesaid orders. A lenient view is taken as petitioner has given affidavit that he will be appearing before the trial Court regularly and will not file unnecessary exemption application as he was doing earlier.



In light of aforesaid factual position, present petitioner is directed to surrender before the trial Court on or before next date of hearing and on filing application seeking bail, the trial Court should make every possible endeavour to decide the same within three days.

6. With this direction the petition is, accordingly, disposed of. In case the petitioner does not comply with this order, the trial Court is at liberty to proceed as per law.

7. Pending misc. application, if any, stands disposed of.

8. Copy of this order be sent to the trial Court concerned.

(AMARJOT BHATTI)
JUDGE

27.01.2026

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