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CRM-M-73182-2025

2026/PHHC-008478



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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-73182-2025
Date of decision: 21.01.2026

GURDEEP SINGH @ BILLA

....Petitioners

Versus

STATE OF PUNJAB AND ORS.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Varinder Saini, Advocate for the petitioners.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. The present petition has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, assailing the impugned order dated 23.10.2025 (Annexure P-3), whereby the learned Additional Sessions Judge-cum-Judge, FTSC, SAS Nagar, Mohali has declared the petitioner a proclaimed offender.

2. Learned counsel for the petitioner submits that FIR No.0095 dated 30.03.2021 u/s 307, 452, 323, 324, 325, 506, 148, 149 IPC was registered at P.S. Derabassi, District SAS Nagar (Mohali), against the petitioner. He submits that initially the petitioner was found innocent during investigation, however, during pendency of the trial he was summoned by the learned Trial Court as an additional accused. He further submits that the petitioner had no knowledge of the proceedings and could not join the proceedings as he was residing abroad and as such, he was declared a



proclaimed offender by the trial court vide order dated 23.10.2025 (Annexure P-3).

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 statutory 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. Notice of motion.

5. Mr. Ravinder Singh, DAG, Punjab, accepts notice on behalf of respondent-State and supports the impugned order, contending that the petitioner deliberately avoided appearance, leaving the trial Court with no option but to issue proclamation to secure his presence.

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

7. 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.

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 offender, 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. In view of the foregoing discussion, the petition is allowed. The impugned order dated 23.10.2025 (Annexure P-3), declaring the petitioner a proclaimed offender, is set aside and the petitioner is directed to appear before the trial Court within four weeks from today. 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.

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.

21.01.2026
puneet

(RUPINDERJIT CHAHAL)
JUDGE

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