



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

118

CRM-M-51072-2025

Date of decision: 12.09.2025

Anand Kumar @ Anand**... Petitioner(s)****Versus****State of Haryana****... Respondent(s)****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present : Mr. Kunal Dawar, Advocate, for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH. J.(Oral)

1. Present petition under Section 528 of BNSS, 2023, has been filed quashing of impugned order dated 14.12.2018 (Annexure P-10), passed by learned JMIC, Gurugram, during trial in case FIR No.44, dated 17.01.2016, registered under Sections 323, 285, 346 and 34 of IPC, lodged at Police Station Khedki Daula, Gurugram, vide which, petitioner has been declared 'proclaimed person'.
2. Primarily, the dispute is matrimonial in nature and the aforesaid FIR was lodged by the petitioner's wife, Sonia.
3. Learned counsel for the petitioner submits that after registration of FIR on 17.01.2016, the petitioner was admitted to bail vide order dated 10.02.2016, and upon completion of investigation, the final report under Section 173 Cr.P.C. was submitted on 10.03.2016. The petitioner continued to appear before the trial Court up to 17.02.2018, but thereafter his bail was cancelled on account of absence. Subsequently, non-bailable warrants were issued and he was declared as 'proclaimed person' vide order dated 14.12.2018.
4. On the technical aspect, learned counsel contends that the



mandatory period of 30 days for proclamation was not complied with, since the proclamation was pasted on 18.10.2018 for 12.11.2018, and on 12.11.2018, the proceedings were simply adjourned without ordering issuance of a fresh proclamation.

Besides, the petitioner has explained his inability to appear before the trial Court, stating that being a matrimonial dispute, he was passing through a difficult phase in life and was making all possible efforts to amicably resolve the matter. Without going into the merits of the case, counsel further submits that from the time the petitioner came to know of the proclamation order, he has been willing to put in appearance before the trial Court, but due to the order declaring him as 'proclaimed person', he is unable to avail such liberty.

5. Notice of motion.

6. At this stage, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, he has misused the concession of bail granted by the Court. Learned State counsel by pointing out the irresponsible conduct of the petitioner, submits that there is every possibility that for the purpose of delaying the trial, he would again be absenting during the proceedings.

7. In number of cases, this Court has been experiencing the situation wherein, accused stopped appearing before trial Court in the criminal cases after being released on bail and thereby compelling the Court to issue non-bailable warrants by cancelling the bail already granted or such accused has been declared 'Proclaimed Person'/Proclaimed Offender'. After examining the facts from several cases, this Court has formulated and



applied a uniform method by satisfying itself that such accused would appear before the concerned Court, to enable it to proceed further, instead of delaying the proceedings to await the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case in which he is involved, and where it is realized that absence or prolonged absence of such accused is intentional to evade the process of law, he/she can be penalized after examining the nature of crime in which he is facing the proceedings and thereupon by imposing some cost amount subject to his/her capacity to pay.

Primary object of every Court is only to examine the commission of crime in question before it *vis-a-vis* the person/accused, who is subjected to such proceedings, and if possible justice be imparted at the earliest without unnecessary delay. It is not expected that undue time would be devoted in securing the presence of absconded accused and also to waste energy by enforcing the special mechanism to arrest such accused.

Considering all such aspects, this Court in the case of ***Ashish Kumar Honda @ Ashish Handa Vs. State of Punjab, 2022 (4) RCR (criminal) 765; Law Finder Doc Id # 20238111*** considered similar plea of appearance, expressed at the instance of the accused, who failed to appear before the Court at appropriate time, and observed that:

“paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigation, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.”

Again, this Court has considered the aforementioned similar plea in case ***Veena @ Veena Devi v. State of Punjab (CRM-M-2206-2025,***



decided on 16.01.2025.

8. I have considered the submissions of both the sides and examined the relevant material available on record. It cannot be left unnoticed that on coming to know about passing of the impugned order, the petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

9. In totality of circumstances, I am of the view that the petitioner can be given one chance to appear before the trial Court, so that proceedings may restart and continue in smooth manner. Accordingly, plea of the petitioner is accepted. Impugned order dated 14.12.2018 (supra) (Annexure P-10) is **set aside** to the extent of declaring the petitioner as 'proclaimed person', and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before **04.10.2025..**

The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court, in case the bail bonds have already been forfeited. Besides, petitioner would also submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

However, this order shall be subject to the payment of Rs.25,000/- as costs, out of which Rs.10,000/- to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court and Rs.15,000/- in the Haryana State Legal Services Authority, Panchkula, Haryana. The Trial Court shall also specify the time frame within which such costs will be required to be deposited, but not more than two weeks, failing which this order would not be of any advantage to the



petitioner.

10. With aforementioned terms, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

September 12, 2025

J.Ram

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