



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

135

CRM-M-22443-2025  
Decided on : 30.04.2025

Avtar Singh

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

PRESENT: Mr. Deepak Kumar, Advocate  
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana

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**SANJAY VASHISTH, J. (Oral)**

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 11.03.2025 (Annexure P-4), whereby the petitioner has been declared as 'proclaimed person', on account of his non-appearance in Complaint No. NACT-272/2021, dated 23.03.2021, titled as, "Sajjan Kumar @ Sajjan Ram v. Avtar Singh Etc.".

2. Learned counsel for the petitioner submits that in the first week of January, 2020, he had borrowed money from respondent No.2. After a period of one year, complainant (respondent No.2 herein), demanded said amount of Rs.2.00 lacs from the petitioner and in lieu thereof, petitioner issued a cheque bearing No. '157265', dated 07.01.2021, drawn at State Bank of India, Main Branch, Sirsa. However, on deposition of the said

cheque by the complainant, same was returned back by the bank with remarks "Funds Insufficient". After dishonouring of the said cheque, complainant served a legal notice through his counsel, which was sent through registered post on 06.03.2021 and later on, he filed complaint dated 23.03.2021 (Annexure P-1) before the Court below.

Further submits that petitioner was regularly appearing before the trial Court on each and every date of hearing. However, due to old age of the petitioner and suffering from Epileptic Seizures, and also due to stress, because he was not able to arrange the money and thus, fell ill, which resulted into absent of the petitioner before the Court below/Trial Court on 23.12.2024, and issuance of non-bailable warrants of arrest issued against him, vide order dated 30.01.2025 (P-3).

3. Learned counsel further submits petitioner is a senior citizen of the age of more than 70 years and most of the time, he remains ill, thus, due to this reason, he could not appear before the trial Court due to which, vide order dated 11.03.2025 (P-4), he was declared as 'proclaimed person'. However, as and when, he came to know about this order, he immediately approached this Court by way of present quashing petition.

Thus learned counsel submits that in case one opportunity is granted for releasing the petitioner on bail, by protecting him from arrest, the petitioner undertakes that he would not absent himself in future, without there being prior permission from the Court, and fully cooperate for early disposal of the trial.

4. Notice of motion.

5. Learned State counsel puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any

sympathy, because, he knowingly evade the proceedings before the trial Court. Learned State counsel further submits that looking at his behaviour, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

6. In number of cases, wherein, accused stopped appearing in criminal cases, the Courts are compelled to declare accused as 'Proclaimed Person/Proclaimed Offender'. After examining the facts, this Court has formulated a uniform method to ensure the presence of accused before the concerned Court, to enable it to proceed further instead of delaying the proceedings by awaiting the presence of accused.

Intentional or unintentional default of the accused can be dealt with by examining the facts from case to case involved, and where it is realised that absence or prolonged absence of such accused is intentional to evade the process of law, he/she can be penalized 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 *viz-a-viz* 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.*

7. I have considered the submissions of both the sides and examined the relevant material available on record. The petitioner has remiss in appearing before the Court only on one date i.e. on 11.03.2025, when impugned order declaring the petitioner ‘proclaimed person’ has been passed against him. It also cannot be left unnoticed that as and when the petitioner came 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.

8. 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 11.03.2025 (P-4) 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 22.05.2025.

The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. 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.

9. **With aforementioned terms, present petition stands disposed of.**

**(SANJAY VASHISTH)  
JUDGE**

**April 30, 2025**

*J.Ram*

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