

CRM-M-53155-2025

2025:PHHC:130432



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

120

CRM-M-53155-2025 (O & M)

Date of decision: 19.09.2025

Amandeep Singh

...Petitioner

Versus

State Bank of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ramandeep, Advocate for the petitioner.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 of BNSS, 2023, for quashing of order dated 26.04.2023, Annexure P-63, passed by learned JMIC, Patiala, in case bearing No.COMA/555/2018, whereby the petitioner has been declared proclaimed person.

2. Learned counsel submits that the petitioner has been summoned in a complaint filed under Section 138 NI Act and granted bail vide order dated 30.07.2018, whereupon he continued to appear regularly but for 06.02.2023 on account of death of his father, he could not cause appearance, due to which his bail bonds and surety bonds were forfeited. Consequently, vide order dated 26.04.2023, he was declared a proclaimed person, without proper compliance of provisions of Section 82 Cr.P.C. His absence is neither wilful nor deliberate. He further contends that the petitioner is ready and willing to join the proceedings and it is prayed that one opportunity may be granted to him to surrender before the learned trial Court. To buttress his submission, reliance is placed on the

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judgments of this Court in **Gurbir Singh Mundi vs. State of Punjab and another** CRM-M-49283-2021, decided on 16.12.2021.

3. Notice of motion.

4. On the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab, accepts notice on behalf of the respondent-State and Mr. Gaurav Goel, Advocate for the respondent-Bank, and submit that the petitioner has rightly been declared proclaimed person for having absented.

5. In the case of **Gurbir Singh Mundi** (supra), it was held that provisions of Section 82(2) Cr.PC. are to be mandatorily complied with cumulatively and not alternatively. The Court had quashed the order declaring the petitioner therein as proclaimed person on the ground that declaration was not read publicly in some conspicuous place of town or village, in which the accused ordinarily resides.

6. Heard.

7. The very purpose of initiation of proclamation proceedings, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

8. Adverting to the facts of the present case, the reasons for non-appearance of the petitioner that led to the passing of the impugned order, appear to be justified. At times, the accused can be prevented by sufficient reasons to put an appearance before the Court and such an absence cannot necessarily be construed as deliberate and wilful. However, it is incumbent upon him to join the proceedings, before the trial Court, for the culmination of the same. Considering the fact that the absence of the petitioner was not wilful or deliberate and his readiness and willingness to surrender and join the proceedings, in case one opportunity

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is granted to him, no prejudice shall be caused to any of the parties, rather his joining the proceedings would help in expediting the trial. This Court in light of the judgment referred to above being applicable to the instant case, finds that the ends of justice would be adequately met if the present petition is allowed.

9. In view of the afore-mentioned judgment and the facts and circumstances of the case, the impugned order 26.04.2023, is set aside, subject to surrender by the petitioner before the trial Court on or before 08.10.2025 and payment of costs of Rs.10,000/- to be deposited with Sai Aasra Paraplegic Rehab Centre (Kotak Mahindra Bank, Branch Sector 27 D, Chandigarh, Account No: 9612001641, IFSC: KKBK0004201. On furnishing bail/surety bonds, the trial Court shall release him on bail subject to its satisfaction. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

10. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

19.09.2025

ashok

**(AMAN CHAUDHARY)
JUDGE**

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