

CRM-M-50413-2025

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

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Decided on: 09.09.2025

Bablu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mitul Singh Rana, Advocate
for the petitioner.

Mr. J.S. Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
90	01.06.2022	Dasuya, District Hoshiarpur	379 IPC

1. Challenging the order of proclamation on being declared as a proclaimed offender in a case bearing No.CHI/268/2022 instituted on 14.10.2022 titled as “State of Punjab vs. Sagar etc.” arising out of the FIR captioned above along with all consequential proceedings arising therefrom under Section 174-A IPC, the petitioner, has come up before this court under section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS],
2. Notice served upon the official respondent through State counsel.
3. Counsel appearing for the State has strenuously opposed this petition.
4. Petitioner’s counsel submits that after presentation of challan on 14.10.2022, petitioner was regularly appearing before the trial Court and even on the day of presentation of challan he was present in the Court. Counsel further submits that due to ill health of the petitioner and non-communication with his counsel, he failed to appear before the trial Court and on 12.12.2022, non-bailable warrants were issued against him, he was not arrested and ultimately he was declared proclaimed offender vide impugned order dated 28.04.2023 (Annexure P-1).

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5. The State's counsel submitted that if this Court is granting any concession to the petitioner, it must be subject to some reprimand. The petitioner's counsel declared that if this court imposes reasonable and affordable costs, the petitioner shall deposit the same.

6. An analysis of the submissions and the petition would lead to the following outcome. It remains undisputed that when the petitioner got to know about his being declared a proclaimed offender, he took a legal remedy and came up before this Court. It also remains undisputed that it never happened that police officials caught him or tried to run away to avoid an appearance in Court. In such a situation, the petitioner has proved his case by a preponderance of probabilities and has prima facie established that his non-appearance was beyond his control. Although there is a massive delay in challenge to proclamation proceedings, petitioner on his own came before this Court, undertaking to attend the trial, and it is not the police who have been able to catch him.

7. The petitioner seeks to quash the proclamation order and the proceedings arising from Section 174-A IPC. However, this Court is adjudicating only the proclamation order and letting the petitioner establish his intention to appear, and once he has put in an appearance, then it shall be permissible for him to file petition for quashing of proceedings under Section 174-A IPC. Let him do that because the criminal justice system must not hamper and suffer because of the petitioner. Given the above, this Court is confining the adjudication of this matter to the extent mentioned before, reserving the liberty to the petitioner as mentioned above.

8. The primary object of the service is to secure the accused's presence at trial. The petitioner approached this court independently, establishing the bonafide at this stage. Without commenting on the case's merits, and in the facts and circumstances peculiar to this case, and also for the reasons mentioned above, the ends of justice would meet if the petitioner is permitted to appear before the trial Court. Thus, exercising the inherent powers under section 528 BNSS 2023, it would be appropriate to grant the following limited relief to the petitioner, subject to the compliance of the conditions mentioned in this order.

9. Given above. the petitioner is permitted to surrender before the concerned court **on or before 22.09.2025, 11 AM but not later than 4 PM in any circumstances**. On or before this date, if the petitioner after surrender files bail application(s) before the concerned Court(s) of the concerned district, the concerned Court shall release the petitioner on the same day, subject to furnishing bail bonds by imposing reasonable conditions deemed appropriate in the background of the accused's conduct. The petitioner is directed to appear on each date before the trial court and not to delay it. Petitioner shall deposit **Rs.10,000/- in the PGI Poor Patients Welfare fund** by the next date and handover the receipt in the trial Court.

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10. There shall be a stay of the petitioner's arrest in the case mentioned above and the resultant FIR under section 174-A of IPC till the date mentioned. As mentioned above, this stay is subject to the petitioner's surrender, failing which this protection shall stand recalled automatically. It is clarified that if the petitioner appears before the concerned court, then all warrants issued by the concerned court against the petitioner in the matter mentioned above shall automatically stand recalled and canceled. It is clarified that if the petitioner fails to appear before the concerned court within the time limit mentioned in this order, then this order shall be recalled automatically under section 403 read with 528 of BNSS, 2023, without any further reference to this court.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. *A certified copy of this order would not be needed, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the concerned court/ officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition is partly allowed to the extent mentioned above. All pending applications, if any, stand disposed of. Liberty reserved to raise the given-up relief(s) in the subsequent petition(s) if the need arises.

(ANOOP CHITKARA)
JUDGE

09.09.2025
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Whether speaking/reasoned: Yes
Whether reportable: NO.