



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

129

CRM-M-56964-2025  
Decided on : 13.10.2025

Harsh Kumar . . . Petitioner(s)  
Versus  
Meetu . . . Respondent(s)

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

PRESENT: Mr. Neeraj Yadav, Advocate  
for the petitioner.

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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 21.05.2025 (Annexure P-2), passed by Ld. Judicial Magistrate First Class, Amritsar (in short, 'Ld. JMIC') in complaint CIS No. NACT/3665/2021, titled as, "*Meetu v. Harsh Kumar*" under Section 138 of the Negotiable Instruments Act, 1881 (in short, 'NI Act') (Annexure P-1), whereby, petitioner has been declared as 'proclaimed person', on account of his non-appearance.

2. Learned counsel for the petitioner submits that after close of defense evidence, the case was fixed for arguments on 20.01.2025, however, on that date petitioner did not appear before the learned trial Court. However said absence was neither intentional nor deliberate. When complete evidence had been recorded and matter was posted for final arguments, due to some miscommunication with his counsel, petitioner fell under *bona fide* impression that his personal attendance was no more required and proceedings might continue even in his absence. Due to this misunderstanding, petitioner did not appear, though he was always careful

and diligent for attending the trial, and never evaded the process of law.

3. Learned counsel further submits that in the month of July 2025, when petitioner was not at home, some police officials raided the house of the petitioner, and told his wife that he has been declared as 'proclaimed person'. Upon inquiry, petitioner came to know of the fact that, already he had been declared 'proclaimed person', vide order dated 21.05.2025 (P-2), even without complying with the mandatory provisions under Section 82 Cr.P.C.

However, when the factum of declaring him as 'proclaimed person' came to the knowledge of the petitioner, now he has approached this Court by way of present petition. Thus learned counsel submits that in case, only one opportunity is granted by protecting him from arrest, petitioner would not absent himself ever in future, without there being prior permission from the Court, and fully cooperate for early disposal of the trial.

4. After hearing learned counsel for the petitioner and perusing the record, this Court is of the view that dispute raised through the present petition can be decided *in limine* and without calling the other side here, because the way this Court intends to dispose of the present petition, no prejudice would be suffered by the complainant *qua* her rights.

5. 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.***

6. 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 21.05.2025, 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.

7. 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 21.05.2025 (P-2) 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 **31.10.2025**.

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.

However, this order shall be subject to the payment of Rs.10,000/- as costs, to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court. 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.

8. **With aforementioned terms, present petition stands disposed of.**  
Pending misc. application(s), if any, also stand disposed of.

**(SANJAY VASHISTH)**  
**JUDGE**

**October 13, 2025**

*J.Ram*

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