

2025:PHHC:111283



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

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CRM-M-46154-2025

Date of Decision : 22.08.2025

KRISHAN KUMAR

.... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

.... RESPONDENTS

**CORAM:HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present : Ms.M.N.Jajoria, Advocate  
for the petitioner.

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**SUBHAS MEHLA, J. (Oral)**

1. The instant petition has been filed for quashing of impugned order dated 04.07.2025 (Annexure P-3) passed by learned Judicial Magistrate 1<sup>st</sup> Class, Charkhi Dadri whereby the petitioner has been declared as proclaimed person.

2. Learned counsel for the petitioner contended that the impugned order, declaring the petitioner as a proclaimed person, is illegal, arbitrary, and in violation of the mandatory provisions of Section 84 of the BNSS, 2023. It is argued that the petitioner's non-appearance before the learned trial Court was neither intentional nor deliberate, but due to serious health complications, including heart disease which required hospitalization and continuous medical treatment as duly substantiated by medical records (Annexure P-2). It is further contended that the impugned order has been passed ex parte without affording any effective opportunity of hearing to the petitioner thereby violating the principles of natural justice and Article 21 of

the Constitution of India. The petitioner had been regularly appearing before the learned Trial Court and had even sought time to arrange for payment on 28.04.2025, which demonstrates his bona fide conduct. His absence on a few dates was due to unavoidable medical exigencies.

3. Notice of motion.

4. Mr. Karan Veer Singh, Sr.DAG, Haryana, accepts notice on behalf of respondent No.1-State and submitted that as per the record, the petitioner was declared proclaimed person earlier in this matter and it is the 2<sup>nd</sup> time, he is not appearing.

5. Keeping in view the above facts and circumstances of the case, the petitioner is directed to surrender himself before the trial Court and if he surrenders and moves an application for bail then the trial Court will consider his all the pleas regarding his ailment and take a lenient view while deciding his application.

6. Disposed of.

**(SUBHAS MEHLA)**  
**JUDGE**

**22.08.2025**

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