



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-50924-2025
Date of decision: 11.09.2025

Gurjit Singh . . . **Petitioner(s)**

Versus

State of Punjab and another . . . **Respondent(s)**

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Rakesh Kumar, Advocate
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH. J.(Oral)

1. Present petition under Section 528 of BNSS, 2023, has been filed quashing of FIR No. 0012, dated 15.02.2010, under Sections 323/324/307/452/148/149 of IPC, registered at Police Station Dhilwan, District Kapurthala (Annexure P-1) and its consequential proceedings, whereby, petitioner has been declared 'proclaimed offender' vide order dated 02.09.2011 (Annexure P-3) and also in view of compromise dated 16.08.2025 (Annexure P-4), affected between the parties and furthermore, all the co-accused of the petitioner have been acquitted from the charges vide judgment dated 10.09.2014 (Annexure P-2).

2. Learned counsel for the petitioner submits that in fact the case was against total five accused persons, namely; (i) Varinder Singh, (ii) Rajwinder Singh @ Raju, (iii) Jagjit Singh @ Jaggi, (iv) Jaspreet Singh @ Jassu, and (v) Gurjit Singh (petitioner herein). Since there was compromise between both the sides, i.e., injured party and the accused party, none of the witnesses supported the case of prosecution, and thereupon, vide judgment dated 10.09.2014 (Annexure P-2), accused persons before the Court below, except of the present petitioner, were



acquitted of the charges framed against them.

3. Further argues that in fact, on account of the compromise between the parties and under some misconception, petitioner had left the country and settled in USA since the year 2010. However, because of his non-appearance, petitioner was declared 'proclaimed offender' vide impugned order dated 02.09.2011 (Annexure P-3). However, now petitioner wishes to come back to India and then to join the proceedings before the trial Court *qua* him as well. In that regard, a fresh compromise dated 16.08.2025 (Annexure P-4), has taken place between the petitioner on one side and the complainant party on the other side.

4. Learned counsel argues that in fact right from the time petitioner is apprized about declaring him as 'proclaimed offender', he is interested in putting an appearance before the trial Court. However, in view of declaring him as 'proclaimed offender', petitioner is unable to avail the liberty.

5. Notice of motion.

6. At this stage, Mr. Neeraj Madaan, Sr. DAG, Punjab, puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, he has misused the concession of bail granted by the Court. Learned State counsel by pointing out the irresponsible conduct of the petitioner, submits that there is every possibility that for the purpose of delaying the trial, he would again be absenting during the proceedings.

7. In number of cases, this Court has been experiencing the situation wherein, accused stopped appearing before trial Court in the criminal cases after being released on bail and thereby compelling the Court to issue non-bailable warrants by cancelling the bail already granted or such accused has been declared 'Proclaimed Person'/Proclaimed Offender'. After examining the facts from several cases, this Court has formulated and applied a uniform method by



satisfying itself that such accused would appear before the concerned Court, to enable it to proceed further, instead of delaying the proceedings to await the presence of accused.

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

8. I have considered the submissions of both the sides and examined the relevant material available on record. It cannot be left unnoticed that on coming 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.

9. 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 02.09.2011 (supra) (Annexure P-3) is **set aside** to the extent of declaring the petitioner as 'proclaimed offender', and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court within a period of three months.

The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court, in case the bail bonds have already been forfeited. 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.50,000/- as costs. Rs.20,000/- to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court and Rs.30,000/- in the Punjab State Legal Services Authority Disaster Relief Fund (Account No.44426937384, IFSC Code: SBIN0014656 and Branch



Name: Sector 68, SAS Nagar, Mohali). 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.

10. With aforementioned terms, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

11.09.2025

J.Ram

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