



CRM-M-57160-2025

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

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**CRM-M-57160-2025**  
***Date of decision: 13.10.2025***

Mani Ram Sharma

*.....Petitioner**Versus*

State of Punjab and Anr

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

Present: Mr. Atul Aggarwal, Advocate for the petitioner.

**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 20.10.2022 (Annexure P-5), whereby the petitioner has been declared as 'proclaimed person' in complaint case No. NACT-120/2020, titled as, "Kuldeep Singh vs. Mani Ram Sharma Prop etc", filed under Section 138 of the Negotiable Instruments Act.

2. Learned counsel for the petitioner submits that on 23.10.2020, upon consideration of preliminary evidence, a prima facie case under Section 138 of the NI Act was found to be made out against the petitioner and summons were ordered to be issued. On 27.08.2021, learned trial Court issued non-bailable warrants against the petitioner. He submits that the proclamation was sent to the incorrect address of the petitioner and the provisions of Section 82 Cr.P.C has not been complied with, as the statutory period of 30 days had not elapsed and thus the impugned order declaring the petitioner as proclaimed person suffers from grave illegality. He submits that the petitioner is ready to pay the whole cheque amount of Rs.2,90,000/-.



3. Therefore, learned counsel submits that absence of petitioner from the proceedings was due to the aforementioned reasons, which is neither intentional nor deliberate.

4. Learned counsel further submits that in case one opportunity is granted for releasing the petitioner on bail, by protecting him from arrest, petitioner undertakes that he would not absent himself in future without there being prior permission from the Court, and would fully cooperate for early disposal of the trial.

5. Notice of motion.

6. Mr. Manjinder Singh Bhullar, DAG, Punjab puts an appearance on behalf of respondent-State, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, he knowingly evade the proceedings before the trial Court. Learned State counsel further submits that looking at his behaviour, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

7. 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** 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. The petitioner has remiss in appearing before the Court, due to which on 20.10.2022, 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.

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9. In totality of circumstances, I am of the view that the petitioner can be given one chance to appear before the trial Court especially when he is ready to pay the whole cheque amount of Rs.2,90,000/-, so that proceedings may restart and continue in smooth manner.

Accordingly, plea of the petitioner is accepted. Impugned order dated 20.10.2022 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.

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

**October 13, 2025**  
**manoj**

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

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