



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

126

**CRM-M-30541-2025
Date of decision: 17.07.2025**

RANDEEP SINGH

...Petitioner

Versus

UT CHD AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Karanveer Singh, Advocate for the petitioner.

Mr. Rahil Mahajan, Additional PP, UT, Chandigarh.

SANJAY VASHISTH. J.(Oral)

1. Petitioner Randeep Singh, aged 47 years has sought quashing of the order dated 09.12.2024 (Annexure P-1), passed by learned Judicial Magistrate First Class, Chandigarh in case No.NACT/978/2024, whereby the petitioner was declared as proclaimed person.
2. Primarily it has been contended in the petition that complaint filed against petitioner was never served at the correct address of the petitioner and therefore, he was never aware about the proceedings, viz-a-viz the present complaint in question. Therefore, he submits that petitioner is ready to join the proceedings by appearing before the Court in the present case, subject to protecting him from arrest.
3. Notice of motion.
4. Mr. Rahil Mahajan, Additional PP, UT, Chandigarh puts in appearance and informs the Court and produces a copy of the order dated 03.07.2025, passed by the learned trial Court in the present complaint,



- 2-

acknowledging the fact that petitioner is already confined in Central Jail No. 1, Tihar, New Delhi. The order directs that petitioner, Randeep Singh, be produced through video conferencing (VC) on 17.07.2025. The next date fixed is 31.07.2025, and in this regard, the necessary direction has already been issued to Central Jail No. 1, Tihar, New Delhi. Thus, it is submitted that, in effect, the proclaimed person order has been rendered non-effective, as the direction for the petitioner's appearance has already been issued. Copy of the order is taken on record.

5. 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 realised 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.

6. 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.

7. 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,



- 3-

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 and consequently, on 09.12.2024, he was declared as proclaimed person. It also 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 view of the circumstances having been noticed hereabove, present petition is **disposed of** by observing that since learned trial Court has itself directed to produce the petitioner through video conferencing (VC), the order dated 09.12.2024, declaring the petitioner as proclaimed person would be deemed as inoperative for all intent and purposes. Accordingly, impugned order (supra) is **set aside** to the extent of declaring his 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 04.08.2025.

10. 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



- 4-

keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

11. 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.

17.07.2025
amandeep

(SANJAY VASHISTH)
JUDGE

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