



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

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**CRM-M-49591-2025
Date of decision: 10.09.2025**

KUSHAL KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Deepinder Singh Virk, 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 for setting aside of the order dated 19.10.2024, passed by the Court of SDJM, Amloh, whereby petitioner has been declared as proclaimed person in case bearing FIR No.106 dated 05.07.2018, registered at Police Station Mandi Gobindgarh for the offences punishable under Sections 420, 465, 467, 468, 471 and 120-B of IPC and 123(2), Punjab Good and Service Tax Act, 2017.

2. Learned counsel for the petitioner contends that the anticipatory bail petition filed by the petitioner before the Court of Sessions was dismissed, and during the proceedings, the petitioner was never informed that he had been declared a proclaimed person. Subsequently, he filed an anticipatory bail application before this Court, i.e., CRM-M-63346-2024, along with one more accused, Ravi Kaushal.

3. After issuance of notice in the said bail petition, status report was filed (Annexure P-5), but nothing was mentioned about declaring the petitioner as proclaimed person. It was only at the time of hearing of the said anticipatory bail



petition, on 27.02.2025, that Court was apprised for the first time that petitioner had been declared a proclaimed person and thereafter praying for grant of some time to seek required instructions, later said petition was withdrawn on 21.07.2025 to file a fresh petition with better particulars.

3. It has also been contended that petitioner along with co-accused Ravi Kaushal filed a petition for quashing of the P.O order. However, same was disposed of having been withdrawn, to enable the petitioner to file afresh with better particulars vide order dated 07.05.2025 passed in CRM-M-24451-2025. Later separate petition was filed by co-accused Ravi Kaushal i.e. CRM-M-28273-2025, by challenging the P.O and vide order dated 23.05.2025, petition was decided by directing the petitioner to surrender before the concerned Court on or before 13.06.2025, subject to the payment of cost of Rs.10,000/- to be deposited by the petitioner in an Old Age Home of the area.

4. Counsel argues that in fact right from the time petitioner is apprized about declaring him as proclaimed person, he is interested in putting an appearance before the trial Court. However, in view of declaring him as proclaimed person, petitioner is unable to avail the liberty, which had already been granted to similarly situated co-accused Ravi Kaushal.

Additionally Court is also informed that other co-accused Jatinder Menro, Mandeep Singh, Mandeep Dhiman and Komal Sharma have been granted the concession of anticipatory bail.

5. Notice of motion.

6. 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 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.

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 (supra) 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 29.09.2025.

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, out of which Rs.25,000/- to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court and remaining amount of Rs.25,000/- 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**

**10.09.2025
amandeep**

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