



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

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**CRM-M-26593-2025
Decided on : 21.05.2025**

Amarjit Singh . . . Petitioner(s)

Versus

Harpal Singh and another . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Rifi Birla, Advocate
for the petitioner(s).

Mr. Neeraj Madaan, Sr. DAG, Punjab.

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 03.01.2025 (Annexure P-3), passed by Ld. Additional Chief Judicial Magistrate, Mansa, along with all consequential proceedings arising therefrom, vide which, petitioner has been declared as 'proclaimed offender' in case No. NACT/336/2019, dated 20.09.2019, titled as, "Harpal Singh v. Amarjit Singh", under Sections 138 and 142 of the Negotiable Instruments Act, 1881 (in short, 'NI Act').

2. Learned counsel for the petitioner submits that petitioner borrowed a sum of Rs.31,264/- from the complainant and for repayment of the same, petitioner issued a cheque bearing No. '027834', dated 23.06.2019, for the said amount. However, on presentation, said cheque was dishonored on account of "insufficient funds" vide memo dated 07.08.2019, and thus, complainant filed a complaint dated 20.09.2019 (P-1) against the petitioner.

3. Learned counsel further submits that after registration of present case and receipt of notice of accusation on 30.08.2023 from the trial Court,

petitioner was regularly appearing in the trial proceedings, either himself or through his counsel. However, due to noting down of wrong date on 20.09.2024 and 14.10.2024, and consequently, due to non-appearance of the petitioner or his counsel, non-bailable warrants of arrest have been issued against the petitioner.

He also submits that vide order dated 28.10.2024, proclamation have been initiate against the petitioner, and thereafter, vide impugned order dated 03.01.2025 (P-3), petitioner has been declared 'proclaimed offender'.

Therefore, learned counsel submits that absence of petitioner from the proceedings was neither intentional nor deliberate, but due to the reasons mentioned here-above.

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. Learned State counsel puts an appearance, 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; 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. The petitioner has remiss in appearing before the Court, due to which on 03.01.2025, impugned order declaring the petitioner 'proclaimed offender' 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.

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 03.01.2025 (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 on or before 06.06.2025.

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.**

**(SANJAY VASHISTH)
JUDGE**

May 21, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No