



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

102

CRM-M-25961-2026
Decided on : 13.05.2026
Pronounced on: 15.05.2026

HARPREET SINGH @ NOBAL

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

1.	Date when Order was reserved	13.05.2026
2.	Pronouncement of Order	15.05.2026
3.	Date of uploading Order	15.05.2026
4.	Whether operative part or full Order is pronounced	Full
5.	Delay, if any, in pronouncing of full order, and reasons thereof	Not Applicable

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Neeraj Jain, 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 06.08.2025 (Annexure P-2), whereby the petitioner has been declared as 'proclaimed person', on account of his non-appearance in the following FIR:-

FIR No.	Date	Section(s)	Police Station	District
141	05.09.2023	420, 406, 120-B of IPC (corresponding to sections 318(4), 316(2) and 61(2) of BNS, 2023)	City 1	Mansa

2. Learned counsel for the petitioner submits that prosecution has

**CRM-M-25961-2026****2**

registered FIR No.141 dated 05.09.2023 under Sections 420, 406 and 120-B IPC at Police Station City-I, Mansa, against the petitioner and other co-accused. It is contended that petitioner was merely an employee of the main accused and had no knowledge whatsoever regarding the allegations forming the subject matter of the present FIR.

Counsel further submits that prior to the registration of FIR, police had called the petitioner to join the investigation and his statement was duly recorded. In compliance thereof, petitioner appeared before the Investigating Officer and cooperated in the investigation. It is further submitted that petitioner had already left the employment in May, 2022, whereas FIR came to be registered in the year 2023, and therefore, petitioner had no connection or knowledge regarding the alleged occurrence.

3. It is also argued that before declaring the petitioner as a proclaimed person, no proper report regarding execution of the bailable warrants or non-bailable warrants was placed on record. Rather, in the order dated 03.05.2025 passed by learned Chief Judicial Magistrate, Mansa, it has merely been observed that whereabouts of the petitioner could not be ascertained.

In these circumstances, learned counsel submits that there is every likelihood that notices, bailable warrants and non-bailable warrants were never duly served upon the petitioner.

Accordingly, learned counsel prays that in case, one opportunity is granted to the petitioner by extending the concession of bail and protecting him from arrest, petitioner undertakes to appear before the trial Court regularly, shall not absent himself without prior permission of the Court, and shall fully cooperate in the expeditious disposal of the trial.

4. Notice of motion.



5. 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.

6. 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.*

7. 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 only on one date i.e. on 06.08.2025, when 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.

8. 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 06.08.2025 (Annexure P-2) 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 26.05.2026.**

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



CRM-M-25961-2026

5

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.20,000/- 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.

9. **With aforementioned terms, present petition stands disposed of.**

**(SANJAY VASHISTH)
JUDGE**

May 15, 2026

Lavisha

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