



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

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**CRM-M-36082-2026
Decided on : 07.07.2026**

Paramjit Kaur

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**PRESENT:** Mr. Sartaj Singh Gill, Advocate, for the petitioner(s).

Mr. Manjinder Singh Bhullar, 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 seeking quashing of order dated 02.01.2013 (Annexure P-6), passed by the learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, in FIR No.153, dated 13.12.2011, under Sections 494, 467, 468, 471, 120-B of IPC [corresponding Sections 82(1), 338, 336(3), 340(2), 61(2) of BNS, 2023], registered at Police Station Sultanpur Lodhi, Kapurthala, whereby, petitioner has been declared as a 'Proclaimed Person' allegedly without following the due procedure of law.

2. Learned counsel for the petitioner submits that a false and frivolous case has been registered against the petitioner. It is submitted that petitioner has been residing in the USA since the year 2000, whereas, FIR in question came to be registered on 13.12.2011. Petitioner was never aware of the pendency of the present case, as she was never present in India.

Further submits that, prior to filing of the final report/challan under Section 173 Cr.P.C., an application was moved by the police for issuance of warrants of arrest against the petitioner. Thereafter, in due course, non-bailable warrants of arrest were also issued. Ultimately, when the non-

bailable warrants were received back unexecuted, learned SDJM, Sultanpur Lodhi, vide order dated 26.10.2012 (Annexure P-4), expressed purported satisfaction that the presence of the petitioner could not be procured in an ordinary manner and thus, proceeded to issue proclamation under Sections 82/83 Cr.P.C.

Thereafter, in due course of time, proceedings initiated under Sections 82/83 Cr.P.C. (corresponding to Sections 84/85 of the BNSS, 2023) culminated in the passing of order dated 02.01.2013 (Annexure P-6), whereby, petitioner was declared a 'Proclaimed Person'.

3. Learned counsel for the petitioner also apprises that, on two earlier occasions, petitioner approached this Court seeking quashing of the impugned order. The first petition, i.e. CRM-M-41034-2017, was filed by the petitioner along with other co-accused and was dismissed by a Coordinate Bench of this Court vide order dated 09.03.2022 (Annexure P-8).

Thereafter, petitioner, along with the co-accused, again filed another petition, i.e. CRM-M-39975-2024, which was dismissed by this Court vide order dated 28.01.2025 (Annexure P-9), as the same had not been validly instituted. However, liberty was granted therein to file a fresh petition after complying with all the applicable rules.

Learned counsel thus argues that the impugned order has been passed in a mechanical manner without proper appreciation of the facts and circumstances of the case. It is contended that, even before passing of the impugned order, no steps were ever taken to effect service upon the petitioner in the USA in terms of Section 105 Cr.P.C. (corresponding to Section 110 of the BNSS, 2023), which prescribes the procedure for service or execution of summons or warrants upon an accused residing in any country or place outside India.

It is, thus, contended that the absence of the petitioner was neither intentional nor deliberate, but occurred due to the reasons noticed here-above. Moreover, petitioner is willing to join the proceedings and undertakes to appear before the learned trial Court, if granted an opportunity, subject to any condition(s) that may be imposed by this Court.

4. On noticing the contention of petitioner's counsel, this Court is also not required to examine the sustainability of the order vide which, petitioner was declared 'proclaimed person', however, inclination has been expressed by the petitioner himself that in case one opportunity is granted for releasing the petitioner on bail, by protecting him from arrest, he shall not absent himself in future without prior permission from the Court, and shall fully cooperate for early disposal of the trial.

5. On the other hand, learned State counsel 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 due the reasons mentioned here-above, and consequently, impugned order (P-6) declaring the petitioner as ‘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 immediately 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 02.01.2013 (P-6) 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 **27.07.2026**.

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 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, 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.**

Pending misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

July 07, 2026

J.Ram

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