



CRM-M-55023-2025

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

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Date of decision: 27.02.2026

PUSHPINDER KAUR

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Bharat Julka, Advocate for
Mr. Amit Gupta, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG, Punjab.

RUPINDERJIT CHAHAL, J. (ORAL)

1. The present petition has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, assailing the impugned order dated 15.04.2025 (Annexure P-5), whereby the learned Additional Sessions Judge, SAS Nagar has declared the petitioner a proclaimed person.

2. Learned counsel for the petitioner submits that FIR No.208 dated 17.09.2020 registered under Sections 307, 450, 148, 149, 506 IPC and Section 25 of Arms Act (Sections 307, 450 IPC deleted later and Sections 302, 449, 212, 419, 420, 427, 460, 109, 465, 468, 471, 120-B IPC, Section 27 Arms Act, Section 12 Passport Act added later on) at Police Station City Kharar, District SAS Nagar, against the petitioner. He submits that the petitioner was implicated in another FIR No. 330 dated 18.11.2024 under Sections 406, 420 IPC and Section 25 of Immigration Act at Police Station Sohana and due to apprehension of arrest, she could not appear before the trial Court in the present FIR and subsequently on 15.04.2025 she was declared a proclaimed person by the trial court.



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3. He further argues that since petitioner was never served with any notice/warrant, hence, the impugned order has been passed without complying with the requirements of section 82 Cr.P.C. (section 84 BNSS). He further submits that the petitioner undertakes to appear before the trial Court on each and every date of hearing. Hence, he prays for quashing of the said order.

4. Learned State counsel submits that the petitioner deliberately avoided appearance, leaving the trial Court with no option but to issue proclamation to secure his presence.

5. I have heard learned counsel for the parties and perused the record.

6. The object behind issuance of non-bailable warrants or proclamation is only to secure the presence of the accused. In the present case, the petitioner has voluntarily approached this Court and undertakes to appear before the trial Court regularly.

7. The determination of whether the default of an accused is intentional or unintentional must be made on a case-by-case basis, taking into account the specific facts and circumstances of each case. Where it is established that the absence, or prolonged absence, of the accused is deliberate and intended to evade the process of law, appropriate costs may be imposed after considering the nature of the offence and the capacity of the accused to pay any cost.

8. In the present case, apart from a bald assertion that requirements of Section 82 Cr.P.C. were not complied with before declaring petitioner a Proclaimed person, no plausible ground has been raised by the



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learned counsel for the petitioner to support his contention. However, still this court is inclined in taking a lenient view keeping in view the facts and circumstances of the case in hand.

9. In view of the foregoing discussion, the petition is allowed. The impugned order dated 15.04.2025 (Annexure P-5), declaring the petitioner proclaimed person, is set aside and the petitioner is directed to appear before the trial Court within two weeks from today, subject to payment of Rs.10,000/- as costs to be deposited by the petitioner in **Poor Patients Welfare Fund, PGIMER Chandigarh**. Upon doing so, she shall be released on bail subject to furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court.

10. Besides, petitioner shall also file an undertaking/affidavit that she will appear in all future proceedings of the trial and proceedings shall not be delayed because of his conduct.

11. It is made clear that in case, petitioner fails to appear before the trial court within the stipulated period, this order shall be deemed to be vacated.

27.02.2026*Mohit Bishnoi***(RUPINDERJIT CHAHAL)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |