



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

277

CRM-M-3763-2025 (O&M)  
Date of decision: 04.11.2025

Simarjit Singh

....Petitioner

Versus

State of Punjab and Another

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Sunil Agnihotri, Advocate for the petitioner

Mr. Amit, AAG Punjab

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**AMAN CHAUDHARY, J. (ORAL)**

1. Prayer made in the present petition filed under Section 528 BNSS for quashing the order dated 18.02.2016, Annexure P-5, whereby the petitioner has been declared as proclaimed offender in FIR No.128 dated 27.10.2013, under Sections 323, 324, 326, 148 and 149 IPC (Sections 148 and 149 IPC deleted and 34 IPC was added later on), registered at police station Mehtiana, District Hoshiarpur.

2. Learned counsel submits that the FIR was registered against the petitioner on 27.10.2013 and thereupon, a compromise had been effected between the parties on 18.07.2016, Annexure P-4 and he was under the impression that he is no more required and was never summoned, had left for England and has not returned ever since. During the interregnum, all the co-accused in the version and cross-version case stand acquitted wayback by learned Judicial Magistrate 1<sup>st</sup> Class, Hoshiarpur vide judgments dated 18.07.2016, Annexures P-2 and P-3 respectively. Reference is also made to the Residence Permit to show that during the proclamation proceedings, he was not in the country. The petitioner was



however declared proclaimed person vide order dated 18.02.2016, however, without following the procedure under Sections 41, 105 and 82 Cr.P.C. A further reference is made to a Notification issued by the Government of India Ministry of Home Affairs, IS Division-II:Legal Cell New Delhi, dated the 11th Feb, 2009, laying down comprehensive guidelines in this regard of reciprocal arrangements to be made by Central Government with the Foreign Governments with regard to the service of summons/warrants/judicial processes. The Ministry of Home Affairs has entered into Mutual Legal Assistance Treaty/Agreements with 22 countries including Canada which provide for serving of documents. Thus the proclamation proceedings being in violation thereof are liable to be set aside, however, he is ready and willing to surrender before the trial Court for which he seeks only one opportunity, which may even be subject to imposition of costs or any other conditions, which this Court may deem appropriate.

3. Learned State counsel submits that the trial Court has rightly passed the order as the petitioner did not appear before the Court and evaded the proceedings.

5. Heard the learned counsel for the parties.

6. In the case of **Jasbir Kaur vs. State of Punjab and another**, CRM-M-25115-2022, decided on 2.6.2022, since the petitioner therein was a Non Indian Resident residing in Canada and proclamation proceedings had been initiated while she was not in India, as such, the order of proclamation was set aside.

7. Similarly, in **Jaswant Singh vs. State of Punjab and another**, CRM-M-32011-2018, decided on 6.2.2020, this Court in the interim order dated 10.9.2018, noticed the submission made by the counsel for the petitioner relying on the photocopy of the passport (Annexure A-1) that the petitioner was not in



India at the time of registration of FIR on 29.10.2009, as well as, on the day, when he was declared proclaimed offender vide order dated 28.4.2014 and even on the date of passing of the above order, as he was in Italy, directed him to surrender before the trial Court, upon which interim bail was ordered to be granted to him.

8. The very purpose of issuance of proclamation etc. is to compel and secure the presence of the accused to face trial and establish the rule of law so as to ensure finalization of the proceedings.

9. Considering the facts and circumstances of the case, judgments referred to hereinabove, the readiness and willingness of the petitioner to surrender and join the proceedings, which was incumbent upon him for the culmination of the same, the present petition deserves to be and is allowed, in the interest of justice, so as to facilitate expediting the trial and for taking it to its logical end.

10. Accordingly, the present petition is hereby allowed. The impugned order dated 18.02.2016, Annexure P-5, is set aside, subject to surrender by the petitioner before the trial Court on or before 15.12.2025 and payment of costs of Rs.25,000/- to be deposited with the Nofal Ek Umeed Charitable Trust having its Account No.0579073000000156, IFSC Code-IFSCSIBL0000579, Bank-The South India Bank Limited, Chandigarh. On furnishing bail/surety bonds, the trial Court shall release him on bail subject to its satisfaction. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case. Till then, no coercive steps be taken

against the petitioner.

11. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)  
JUDGE

04.11.2025  
M.Kamra

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|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |