



CRM-M-8495-2024

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

223

CRM-M-8495-2024 (O & M)

Date of decision: 29.08.2025

Kashmir Singh Alias Kashmir Hundal

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Liaqat Ali, Advocate,  
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

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

1. Prayer made in the present petition filed under Section 482 Cr.P.C. for quashing the order dated 28.03.2014, Annexure P-4, passed by learned JMIC, Phillaur, whereby the petitioner has been declared as proclaimed person in FIR No.87 dated 14.07.2013, registered at Police Station Bilga, District Jalandhar Rural, under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC.

2. Learned counsel submits that the petitioner was abroad, when the above-noted FIR was registered on 14.07.2013, whereafter he has never visited India, for which reference is made to the entries of the passport, Annexure P-2, and he was declared proclaimed person. A similar accused, Satwinder Singh @ Satvinder Singh Hundal had also been declared proclaimed person, however, was granted permission to

CRM-M-8495-2024

surrender whereupon he was directed to be released on interim bail, vide order dated 15.03.2022, Annexure P-6, passed in CRM-M-10903-2022, and the said petition came to be disposed of on 27.07.2022 by making it absolute. Moreso, co-accused of the petitioner have been acquitted by the trial Court, vide judgment dated 22.09.2021, Annexure P-5. It is his submission that proper procedure as envisaged under Sections 41, 105 and 82 Cr. P.C. was not followed, inasmuch as he was residing abroad. To buttress his submission, he places reliance on the judgments of this Court in **Gurbir Singh Mundi vs. State of Punjab and another** CRM-M-49283-2021, decided on 16.12.2021, **Hardev Kaur vs. State of Punjab** 2018(2) Law Herald 1256; **Jasbir Kaur vs. State of Punjab and another**, CRM-M-25115-2022, decided on 2.6.2022 and CRM-M-32011-2018 titled as **Jaswant Singh vs. State of Punjab and another**, decided on 6.2.2020, order dated 24.09.2021 passed in SLP (Crl.) No.7072 of 2021 filed by the above petitioner-Jaswant Singh, judgment dated 20.10.2021 in Criminal Appeal no. 1233 of 2021 (SLP (Crl.) No.7072 of 2021), which was allowed.

3. It is his submission that absence of the petitioner was neither intentional nor willful but for the reasons aforesaid. He further contends that the petitioner is ready and willing to surrender before the trial Court and apply for bail, for which he prays for grant of only one opportunity, which may even be subject to imposition of costs or any other conditions, which this Court may deem appropriate to impose. Learned Counsel submits that in view of the impugned order having been passed against the

CRM-M-8495-2024

petitioner, he is apprehending his arrest and prays that till the time, he surrenders before the Trial Court, his arrest may be stayed, in light of the order dated 06.02.2020 passed by this Court in the case of **Jaswant Singh** (supra). He also places reliance on the judgments in the cases of **Surjit Singh vs. State of Punjab**, CRM-M-38277-2022, decided on 26.8.2022, **Naveen Rao vs. Central Bureau of Investigation (CBI) ACB, Chandigarh**, CRM-M-29461-2018, decided on 18.7.2018, **Dimple Kumar vs. State of Punjab** 2017(1) RCR (CrI.), 602 and '**Sonu Sharda vs. State of Punjab**' CRM-M-16648-2020 decided on 1.6.2020.

4. 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** (supra), 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 the case of **Jaswant Singh** (supra), 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

CRM-M-8495-2024

surrender before the trial Court, upon which interim bail was ordered to be granted to him. This Court vide order dated 6.2.2020 though declined the prayer for quashing of FIR made in the petition, but, with regard to the order declaring him a proclaimed offender, directed him to surrender before the trial Court and file an application for regular bail, however, till then he was ordered to be not arrested. He however challenged the said order inasmuch as this Court had declined his prayer for quashing of the FIR, wherein Hon'ble The Supreme Court of India vide an interim order dated 24.09.2021 passed in SLP (Crl.) No.7072 of 2021, ordered not to take coercive steps against him. Subsequently, vide judgment dated 20.10.2021, the Criminal Appeal no. 1233 of 2021(SLP(Crl.) No.7072 of 2021) was allowed and FIR was quashed, in para 8 whereof it was mentioned that, he had surrendered on 27.10.2018, whereafter he was admitted to interim bail.

8. The very purpose of issuance of summons, warrants 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. Adverting to the facts of the present case inasmuch as it was because the petitioner had been residing in Canada prior to the registration of FIR, which appears to be justified explanation of his absence. However, it is incumbent upon him to join the proceedings, before the trial Court, for the culmination of the same. Considering his readiness and willingness to surrender and join the proceedings for which he is seeking only one opportunity and the absence of his not being willful and

CRM-M-8495-2024

deliberate and no prejudice shall be caused to the complainant, rather his joining the proceedings would help in expediting the trial, which is in the interest of the parties thus, in order to meet the ends of justice and on finding judgments referred to above being applicable to the instant case, the present deserves to be allowed.

10. Accordingly, the present petition is hereby allowed. The impugned order dated 28.03.2014, Annexure P-4, is set aside, subject to surrender by the petitioner before the trial Court on or before 29.09.2025 and payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Association Advocates' Welfare Fund. 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.

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.

29.08.2025

parveen kumar

**(AMAN CHAUDHARY)**  
**JUDGE**

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