



281

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

CRM-M-10513-2025

Date of decision: 04.03.2025

Meharban Singh Saggu

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. G.S.Verma, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of impugned order dated 18.07.2024 (Annexure P-5) passed by the learned Judicial Magistrate 1st Class, Ludhiana, whereby, the petitioner has been declared as proclaimed offender in case bearing FIR No.13 dated 16.02.2024 under Sections 307/323/341/506/148/149 of IPC (Sections 325/326 of IPC added later on) registered at Police Station Division No.2, District Ludhiana (Annexure P-1) as well as subsequent proceedings arising therefrom on the basis of compromise dated 13.05.2024 (Annexure P-2).
2. On 25.02.2025, the following order was passed:-

‘Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of impugned order dated 18.07.2024 (Annexure P-5) passed by learned Judicial Magistrate Ist Class, Ludhiana whereby the petitioner has been declared as proclaimed offender in case stemming from FIR No.13 dated 16.02.2024 under Sections 307/323/341/506/148/149 of IPC (later on added 325/326 of IPC) registered at Police Station Division No.2, District Ludhiana (Annexure



P-1) as well as subsequent proceedings arising therefrom on the basis of compromise dated 13.05.2024 (Annexure P-2) between the parties.

*Learned counsel for the petitioner inter alia contends that prima facie, no offence under Section 307 IPC is made out and a compromise has been effected between the parties. Further, the petitioner has already approached this Court seeking quashing of the FIR (supra) on the basis of compromise by filing a petition bearing **CRM-M No.28621 of 2024** titled as '**Meharban Singh Saggu and others vs. State of Punjab and others**', whereby this Court vide order dated 04.02.2025 (Annexure P-3) has recorded the contentions of the learned counsel for the petitioners that no offence under Section 307 IPC is made out and directed the parties to appear before the learned trial Court to record their statements in terms of compromise dated 13.05.2024 (Annexure P-2). He submits that thereafter, the petitioner came to know that he has been declared as proclaimed offender in the FIR (supra) vide order dated 18.07.2024. He further submits that proclamation was issued against the petitioner without following the drill of Section 82 Cr.P.C. and non-compliance of the mandatory provisions vitiates the entire proceedings, which suffers from incurable illegality as he was never served and the impugned order is liable to be set aside. To support his contentions, he relies upon the judgment passed by this Court in **Major Singh @ Major Vs. State of Punjab 2023 (3) RCR (Criminal) 406; 2023 (2) Law Herald 1506**.*

*Notice of motion returnable for 04.03.2025, to be heard along with **CRM-M No.28621 of 2024**.*

In the meantime, operation of impugned order dated 18.07.2024 (Annexure P-5) qua the petitioner shall remain stayed and no coercive action shall be taken against him.'

It is also submitted that the petitioner undertakes to appear before the trial Court on each and every date.

3. I have heard learned counsel for the parties and perused the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal.

4. While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must be compatible



with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.

5. A perusal of the impugned order reveals that the trial Court issued proclamation without recording reasons of its belief that the petitioner has absconded or is concealing himself. This Court in the judgment passed in ***Major Singh @ Major Vs. State of Punjab 2023 (3) RCR (Criminal) 406; 2023 (2) Law Herald 1506*** has held that the Court is first required to record its satisfaction before issuance of process under Section 82 of Cr.P.C. and non-recording of the satisfaction itself makes such order suffering from incurable illegality. In the judgment passed by this Court in ***Sonu Vs. State of Haryana 2021 (1) RCR (CrI.) 319***, it has been held that the conditions specified in Section 82 (2) Cr.P.C. for the publication of a proclamation against an absconder are mandatory. Any non-compliance therewith cannot be cured as an 'irregularity' and renders the proclamation and proceedings subsequent thereto a nullity.

6. The sole purpose of issuance of non-bailable warrants or issuance of proclamation is to secure presence of the accused before the trial Court. The petitioner in the present case has himself come forward and has undertaken to appear before the trial Court on each and every date.

7. However, a connected petition bearing CRM-M No.28621-2025 titled as 'Meharban Singh Saggu and others Versus State of Punjab and others' seeking quashing of FIR (*supra*) listed before this Court today itself, is dismissed as withdrawn with liberty to approach this Court again after challenging the order vide which the petitioners have been declared as



CRM-M-10513-2025

-4-

proclaimed offenders.

8. In view of the aforesaid facts and circumstances, the present petition is allowed and the impugned order dated 18.07.2024 (Annexure P-5) vide which the petitioner was declared as proclaimed offender is hereby set aside.

9. The petitioner is directed to appear before the trial Court within a period of two weeks from today and on his doing so, he shall be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court, along with costs of Rs.10,000/- to be deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh, for wasting precious time of the Court.

10. The receipt of payment of costs imposed must be presented before the learned trial Court. The learned Court below is directed to grant bail to the petitioner only upon verification of the payment of said costs.

11. However, in case, the petitioner fails to surrender before the learned trial Court within the stipulated time period, the interim protection granted by this Court, shall be deemed to be vacated.

(HARPREET SINGH BRAR)
JUDGE

04.03.2025*Neha*

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