



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

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CRM-M-22734-2023

Date of decision: 27.08.2025

GURPREET SINGH**... PETITIONER****VERSUS****STATE OF PUNJAB AND ANOTHER****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Iqbal Singh, AAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. The present petition has been filed under Section 482 CrPC for quashing the order dated 05.04.2022 (Annexure P-4) passed by learned Chief Judicial Magistrate, Kapurthala, vide which the petitioner has been declared proclaimed offender in FIR No.208 dated 28.06.2020, registered under Section 420 IPC and Section 13 of Punjab Travel Professionals Act, 2014 at Police Station City Kapurthala, District Kapurthala(Annexure P-1).

2. Learned counsel for the petitioner submits that petitioner was implicated in the present FIR and declared a proclaimed offender, vide order dated 05.04.2022, passed by the Chief Judicial Magistrate, Kapurthala.

3. It is contended that the procedure prescribed under Section 82(4) of the Cr.P.C. was not followed, as the offences alleged against the petitioner do not fall within its scope. However, counsel states that the petitioner's failure to appear was neither wilful nor intentional. The matter had been compromised at a very early stage, but due to the outbreak of the



COVID-19 pandemic, the modalities of the compromise could not be worked out. In this regard, a written compromise deed has been annexed as Annexure P-5, along with a special power of attorney executed by the complainant, who had to go abroad (Annexure P-6).

4. Another petition has already been filed for quashing of the FIR by way of compromise, wherein statements of the parties have also been recorded. However, learned counsel for the petitioner further submits that petitioner is ready and willing to join the proceedings and it is prayed that one opportunity may be granted to him to surrender before the learned trial Court. To buttress his submission, reliance is placed 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.

5. Learned State counsel opposes the same by submitting that the impugned order is legal and valid and has been rightly passed by the trial Court on account of non-appearance of the petitioner.

6. In the case of **Gurbir Singh Mundi** (supra), it was held that provisions of Section 82(2) Cr.PC. are to be mandatorily complied with cumulatively and not alternatively. The Court had quashed the order declaring the petitioner therein as proclaimed person on the ground that declaration was not read publicly in some conspicuous place of town or village, in which the accused ordinarily resides.

7. Heard.

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



9. Adverting to the facts of the present case, the reasons for non-appearance of the petitioner that led to the passing of the impugned order, appear to be justified. At times, the accused can be prevented by sufficient reasons to put an appearance before the Court and such an absence cannot necessarily be construed as deliberate and wilful. However, it is incumbent upon him to join the proceedings, before the trial Court, for the culmination of the same. Considering the fact that the absence of the petitioner was not wilful or deliberate and his readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioner, no prejudice shall be caused to any of the parties, rather his joining the proceedings would help in expediting the trial. This Court in light of the judgment referred to above being applicable to the instant case, finds that the ends of justice would be adequately met if the present petition is allowed.

10. In view of the afore-mentioned judgment and the facts and circumstances of the case, the impugned order dated 08.05.2023, Annexure P-4 is set aside subject to surrender by the petitioner before the trial Court on or before 08.09.2025. 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.

27.08.2025
Kusum

(AMAN CHAUDHARY)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>