



163

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

**CRM-M No.30811 of 2025  
Date of Decision : 22.12.2025**

**Harminder Singh****.....Petitioner****versus****State of Punjab and another****..... Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Vipin Mahajan, Senior Advocate with  
Mr. Randeep Singh, Advocate  
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

\*\*\*\*

**RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed praying for quashing of FIR No.27, dated 25.04.2010, under Sections 452, 323, 324, 326, 427, 148, 149 IPC (Section 326 IPC added later on and Sections 148, 149 IPC deleted later on), registered at Police Station Dera Baba Nanak, Police District Batala (District Gurdaspur) as other accused, who faced trial has been acquitted by the learned Appellate Court vide Judgment dated 13.10.2016 in view of the law laid down by the Division Bench of this Hon'ble Court in case titled **Sudo Mandal vs. State of Punjab, reported as 2011(2) RCR (Criminal) 453**. Further prayer has been made for quashing of order dated 02.11.2015 vide which the petitioner has been wrongly and erroneously declared as proclaimed person without complying with the provisions of Section 82 Cr.P.C. and directing the



learned trial Court to accept the bail bonds and surety bonds of the petitioner and further for staying the operation of impugned order during the pendency of the present petition.

2. Learned Senior counsel for the petitioner has submitted that he does not want to press the present petition qua quashing of aforementioned FIR and restricts his prayer qua quashing of order dated 02.11.2015 declaring the petitioner as proclaimed person.

3. The present petition stands dismissed qua quashing of FIR No.27, dated 25.04.2010, under Sections 452, 323, 324, 326, 427, 148, 149 IPC (Section 326 IPC added later on and Sections 148, 149 IPC deleted later on), registered at Police Station Dera Baba Nanak, Police District Batala (District Gurdaspur) and thus, only survives for quashing of impugned order dated 02.11.2015 declaring the petitioner as proclaimed person.

4. It has been contended by learned Senior counsel for the petitioner that the petitioner has been falsely prosecuted in FIR No.27, dated 25.04.2010, under Sections 452, 323, 324, 326, 427, 148, 149 IPC (Section 326 IPC added later on and Sections 148, 149 IPC deleted later on), registered at Police Station Dera Baba Nanak, Police District Batala (District Gurdaspur). He has submitted that after registration of the FIR, the petitioner was granted anticipatory bail by the learned trial Court vide order dated 15.02.2010. He has submitted that thereafter the petitioner was regularly appearing before the learned trial Court. He has further submitted that the petitioner got the opportunity to go abroad for his better career and hence, went to Australia. He has further submitted that on account of this, the petitioner absented from trial and thus, his bail bonds



and surety bonds were cancelled vide order dated 15.05.2015. Thereafter, PO proceedings were initiated against him and subsequently, he was declared as proclaimed person vide order dated 02.11.2015. He has submitted that the order declaring the petitioner as proclaimed person is in violation of the provisions of Section 82 of Cr.P.C. He has submitted that neither the proper publication nor the petitioner was served through Indian Embassy Abroad. He has submitted that now the petitioner is ready to return to India and join the proceedings. To show his bona fide, he has placed on record Air Tickets of the arrival of petitioner that he will land in India on 24.01.2026. He has thus submitted that the impugned order being unsustainable in the eyes of law, deserves to be set aside. He has submitted that the petitioner be granted protection for appearing before the trial Court.

5. Learned counsel for the State has opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner has rightly declared as proclaimed person, who remained absent from the Court without any valid reason.

6. Heard.

7. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in FIR No.27, dated 25.04.2010, under Sections 452, 323, 324, 326, 427, 148, 149 IPC (Section 326 IPC added later on and Sections 148, 149 IPC deleted later on), registered at Police Station Dera Baba Nanak, Police District Batala (District Gurdaspur). However, the petitioner remained absent as he was never served with any notice of proclamation under Section 82 of Cr.P.C. and thereafter he was declared as proclaimed person. As submitted by



learned counsel for the petitioner that the petitioner is in abroad and will return to India on 24.01.2026, without commenting anything about the authenticity of the ground of absence taken by the petitioner, this Court proceed to decide the matter as now the petitioner is ready and keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 02.11.2015 declaring the petitioner as proclaimed person is *set aside* subject to payment of costs of Rs.50,000/- to be paid to the Spinal Rehab Centre, Sector 28-A, Madhya Marg, Chandigarh, within a period of 07 days from the date of his landing in India. The petitioner is directed to appear before the trial Court within a period of 10 days from the date of his arrival and files appropriate application along with the receipt of deposit of above-said costs, then the trial Court will admit him to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioner will have protection from arrest for a period of 10 days from the date of his arrival in India.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, he have no benefit of this order and the order dated 02.11.2015 declaring the petitioner as proclaimed person would stand automatically revived and the present petition shall be deemed to have been dismissed.

22.12.2025

rittu

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

(RAJESH BHARDWAJ)  
JUDGE