



CRM-M-40934-2024

283

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40934-2024
Decided on: 05.03.2025

Shubham Singh alias Shubhpreet Singh alias Shub

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.S. Jaswal, Advocate for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
79	08.06.2023	Ghuman, District Amritsar	302/34 IPC and 25/27 of Arms Act

1. Aggrieved by the order dated 20.07.2024, vide which the petitioner was declared proclaimed offender by JMIC, Batala, in the FIR captioned above, due to the default in appearances before the trial court, the petitioner has come up before this court under Section 528 BNSS 2023.
2. Counsel for the petitioner by making reference to para 2 of the petition submits that FIR has been registered on the statement of complainant. He further submits that after registration of the FIR, after some investigation, one Dinesh disclosed that he along with other accused and Shubhpreet Singh gathered but thereafter there is no averment or statement of any of the accused that the petitioner is known as Shubham Singh. Counsel further submits that petitioner never known in the name of Shubpreet Singh @ Shub and police never came to his house. Petitioner seeks quashing of the proclamation order on the grounds of absence of service. He undertakes to appear before the concerned Court and since the offence is not bailable, he undertakes to file application for anticipatory bail before the Sessions Court and till that time, he is seeking stay on his arrest. Petitioner’s counsel submits that since anticipatory bail is not maintainable till pendency of the proclamation order, as such, the moment he appears before the Sessions Court for anticipatory bail, proclamation proceedings should be automatically quashed or set aside.
3. Counsel for the State submits that in case, petitioner fails to appear before the trial Court or fails to file application for anticipatory bail, the present order should be recalled by resorting to Section 403 BNSS 2023.



CRM-M-40934-2024

4. The accused could not be served through the ordinary process, including summons, bailable warrants, and even non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide aforesaid order.

5. The primary object of service is to secure the accused's presence in trial. The petitioner has approached this court on its own, establishing the bonafide at this stage. Without commenting on the case's merits, and in the facts and circumstances peculiar to this case, and also for the reasons mentioned above, the ends of justice would meet. Furthermore, without adjudicating the maintainability of this petition under section 482 CrPC and leaving that question open; given the explanation offered by the accused coupled with the facts and circumstances peculiar to this case, a balanced approach would work as an incentive, a catalyst, speeding up the process, and bringing the guilty to Justice and Justice to the guilty. Thus, exercising the inherent powers under section 482 CrPC, this court deems it appropriate to grant the following limited relief to the petitioner, subject to compliance with the conditions mentioned in this order.

6. Since the offence involved in this case is heinous under Section 302 IPC as such before the petitioner comes for quashing of the impugned order under Section 82 CrPC, let him surrender before the trial Court and after surrender petitioner may file an application for setting aside the proclamation order within one month from today. It is further clarified that this is neither an order of stay of arrest nor it is a bail order.

7. *There would be no need for a certified copy of this order; and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition is disposed of with the aforesaid observation. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

05.03.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.