



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

284

CRM-M-44703-2023 (O&M)

Date of decision: 25.08.2025

BHAG SINGH AND ANR**.... PETITIONERS****VERSUS****STATE OF PUNJAB AND ANOTHER****...RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Puja Chopra, Advocate
for the petitioners.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Saurav Thakur, Advocate for
Ms. Riya Kaushik, Advocate
for respondent No.2.

AMAN CHAUDHARY, J. (Oral)

1. The present petition has been filed under Section 482 CrPC for quashing/setting aside the impugned order dated 08.05.2023 (Annexure P-4) passed by learned Judicial Magistrate Ist Class, Patiala, vide which the petitioners have been declared proclaimed offenders in FIR No.75 dated 15.05.2021, registered under Sections 325, 341, 323 and 34 IPC at Police Station Sanaur, District Patiala (Annexure P-1).

2. Learned counsel for the petitioners submits that the petitioners were implicated in present FIR and the offences being bailable, on 28.05.2021, they were granted bail by the Police concerned, on which date even the compromise (Annexure P-3) has taken place. However, challan



was presented on 01.12.2022 and there were no intimation to either of the parties. It is only on the arrest of son of the petitioner on 24.08.2023, wherein he was granted bail on 29.08.2023. Then they came to know about the proceedings that were pending. However, they had already declared proclaimed offenders vide order dated 08.05.2023 (Annexure P4).

3. Learned counsel for the petitioners further submits that petitioners are ready and willing to join the proceedings and it is prayed that one opportunity may be granted to them 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.

4. 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.

5. 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.

6. Heard.

7. 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.

8. Adverting to the facts of the present case, the reasons for



non-appearance of the petitioners 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 petitioners was not wilful or deliberate and his readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioners, 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.

9. 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 petitioners before the trial Court on or before 05.09.2025. On furnishing bail/surety bonds, the trial Court shall release them on bail subject to its satisfaction. They are also directed to furnish an undertaking by way of an affidavit that they will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. They 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.

10. Before parting with this order, it is made abundantly clear that



in case the petitioners do not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

25.08.2025

Kusum

(AMAN CHAUDHARY)
JUDGE

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