



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

306

CRM-M-42823-2025 (O & M)

Date of decision: 09.12.2025

YADWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. A.S.Sekhon, Advocate, for the petitioner.

Mr. Rahul K. Adia, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 of BNS, 2023 for quashing of FIR No.41 dated 02.03.2013, under Sections 364, 323, 148 and 149 IPC, registered at Police Station city Faridkot, and all the subsequent proceedings arising therefrom, including the order dated 18.01.2017 and the order dated 15.09.2018 vide which he has been declared a proclaimed offender.

2. Learned counsel restricts his prayer only to quash the order dated 15.09.2018 and with regard to quashing of FIR and order dated 18.01.2017, he withdraws the present petition with liberty to take all pleas at the relevant time, in accordance with law.

3. Learned counsel submits that the petitioner was summoned as additional accused to face the trial vide order dated 18.01.2018, however, he was not aware of the same as he was in hiding for a long time on account of the fact that his real brother and uncle had been murdered and he had a threat perception at the hands of the culprits. Further that,

when the proclamation proceedings were initiated, he was abroad and returned on 07.05.2025, for which reference is made to passport Annexure P-7, consequent thereto he was declared a proclaimed offender, vide impugned order dated 15.09.2018, without following the procedure under Sections 41, 105 and 82 Cr.P.C. A further reference is made to a Notification issued by the Government of India Ministry of Home Affairs, IS Division-II:Legal Cell New Delhi, dated the 11th Feb, 2009, laying down comprehensive guidelines in this regard of reciprocal arrangements to be made by Central Government with the Foreign Governments with regard to the service of summons/warrants/ judicial processes. The Ministry of Home Affairs has entered into Mutual Legal Assistance Treaty/Agreements with 22 countries which provide for serving of documents. Thus, the proclamation proceedings being in violation thereof are liable to be set aside, Further that, co-accused, namely, Manpreet Singh, Tejinder Singh alias Ghagha, Gurpeet Singh, Rajinder Singh, Khushwant Singh and Vijay Kumar stand acquitted. He is ready and willing to join the proceedings and it is prayed that one opportunity may be granted to him to surrender before learned trial Court, which may be even subject to costs. Reliance is placed on **Narinder Singh and another vs. State of Punjab and another**, 2019(1) RCR (Criminal) 741.

4. Learned State counsel submits that the trial Court has rightly passed the order as the petitioner did not appear before it and evaded the proceedings.

5. Heard.

6. This Court in **Narinder Singh(supra)** quashed the order declaring the petitioners therein as proclaimed person on the ground that no efforts have been made by the trial Court to serve them at their residence where they ordinarily reside either through publication in newspaper or Embassy.

7. In the case of **Jasbir Kaur vs. State of Punjab and another**, CRM-M-25115-2022, decided on 2.6.2022, since the petitioner therein was a Non Indian Resident residing in Canada and proclamation proceedings had been initiated while she was not in India, as such, the order of proclamation was set aside.

8. Similarly, in **Jaswant Singh vs. State of Punjab and another**, CRM-M-32011-2018, petition was allowed on 6.2.2020, noticing the submission made by the counsel for the petitioner relying on the photocopy of the passport (Annexure A-1) that he was in Italy at the time of registration of FIR 29.10.2009, as well as, on the day, when he was declared proclaimed offender vide order dated 28.4.2014 and even on the date of passing of the above order.

9. The very purpose of issuance of summons, warrants etc. is to compel and secure the presence of the accused to face trial and establish the rule of law so as to ensure finalization of the proceedings.

10. Reverting to the facts of the present case inasmuch as it was because the petitioner had moved to Dubai, prior to the passing of the impugned order and the procedure as envisaged by the Code not followed in letter and spirit, he could not be served and as such, his explanation for absence appears to be justified.

11. Accordingly, the impugned order dated 15.09.2018 is set aside, subject to surrender by the petitioner before the trial Court on or before 30.12.2025 and payment of costs of Rs.25,000/- to be deposited with Shree Mata Mansa Devi Bhandara Committee Charitable Trust (Regd)., Account No. 50100238189041, IFSC Code: HDFC0000108, at HDFC Bank, Sector 8, Panchkula, within 15 days. 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.

12. 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.

13. Disposed of accordingly.

09.12.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No