



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

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**CRM-M-41678-2025
DATE OF DECISION :04.08.2025**

SHAMSHER SINGH ALIAS SHERA

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.S.Simble, Advocate for the petitioner(s).

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of the BNSS, 2023 praying for quashing of Proclaimed Offender Order dated 21.05.2022 (Annexure P-3) passed in FIR No. 115 dated 25.12.2021 under sections 379-B,427,323 of IPC 1860 (sections 120-B IPC and 27 of Arms Act added later on) registered at P.S Mehta, Police District Amritsar Rural, District Amritsar (Annexure P-1), in the interest of justice.

Learned counsel for the petitioner submits that the petitioner was never made aware of the fact that proclamation proceedings under Section 82 Cr.P.C. were pending against him. He further submits that the petitioner was not even present in India at the time when the impugned order declaring him a proclaimed offender was



passed as he had travelled abroad on 08.01.2022 and returned to India only on 08.07.2025. Despite his absence from the country during the relevant period, no effort was made by the Investigating Agency to serve notice or effect service upon him at his foreign address. He submits that the petitioner did not had any intention to avoid attendance in the Court proceedings. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, impugned order dated 21.05.2022 declaring the petitioner as proclaimed offender is set aside and the petitioner is directed to surrender before the trial Court within a period of 10 days from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at



liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of Rs.20,000/- as compensatory penalty to be deposited with the Poor Patients Welfare Fund of PGIMER, Sector 12, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

The amount so deposited by the petitioner shall not be construed as cost for this order but compensatory penalty for stalling the court proceedings by evading himself from trial for a long time.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

04.08.2025
anuradha

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