



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

288

CRM-M-49513-2025 (O&M)

Date of decision: 30.10.2025

Ranjit Singh @ Pardeep Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Krishan Singh Dadwal, Advocate for the petitioner.

Mr. Rahul K. Adia, AAG Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the order dated 02.11.2016, vide which the petitioner was declared as proclaimed offender in FIR No.56 dated 13.06.2016, registered under Section 420 at Police Station Bullowal, District Hoshiarpur.

2. Learned counsel submits that address of the petitioner was house No.2720, Sector 67, SAS Nagar, Mohali, for which reference is made to his Adhaar Card (Annexure P-8), while the address mentioned in the FIR was residence of Luddan PS Bullowal, District Hoshiarpur, neither he was aware of lodging of the FIR nor was served at the aforesaid address. Furthermore, there is non-compliance of Section 82 CrPC inasmuch as 30 days period have not elapsed and Court had adjourned the case for completion thereof which is apparent from Annexures P3 to P5, and specific reference is made to the statement of the serving Constable wherein he has stated that he went to said village on 01.10.2016 and has raided the resident but he was not found there and the date fixed before the Court



was 18.10.2016, thereafter, only to complete the 30 days period, it was further adjourned to 02.11.2016. The procedure mandated under Section 82 Cr.P.C. had not been followed, as the petitioner was declared proclaimed offender without affording him the pre-requisite time period of 30 days to appear before the trial Court. He is ready and willing to join the proceedings and prays that one last opportunity may be granted to him to surrender before the trial Court. To buttress the submissions, reliance is placed upon judgments in the cases of CRM-M-29878-2022, **Sardar Singh and another vs. State of Punjab and another**, decided on 30.08.2022, **Uttam Sharma vs. State of Punjab and another**, CRM-M-31481-2021, dated 29.09.2021 and **Ashok Kumar vs. State of Haryana and another**, CRM-M-13638-2013, decided on 05.08.2013.

3. Learned State counsel, on the other hand, submits that the order passed against the petitioner is legal and valid on account of the fact that he had absented from the proceedings before the trial Court without any just cause.

4. Heard.

5. It is apposite to refer to the provisions of Section 82 (1) Cr.P.C. which reads thus:-

“82. Proclamation for person absconding. -

(1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

(2) xx xx xx xx

(3) xx xx xx xx.”

6. In the present case, proclamation was issued on 28.09.2016 and thereafter, affixation of the notice was on 01.10.2016, whereby he was directed to appear before the Court on 18.10.2016. Since, the mandatory period of 30 days to



appear before the Court had not elapsed, the case stood adjourned to 02.11.2016, for the period to be completed, which is in teeth of the law laid down in that regard. A gainful reference can be made to the judgment in **Ashok Kumar** (supra), relevant para of which reads thus:

“A copy of the proclamation was also affixed at conspicuous part of the Court house, which means that the publication was effected on 9.2.2013 for 6.3.2013, which shows that after the publication of the notice, the accused was not given the mandatory period of 30 days to appear before the Court. The mere fact that the Court adjourned it after the period of 30 days will not be treated as compliance of the provisions of Section 82 (1) Cr.P.C.”

7. The aforesaid judgment was relied upon in **Uttam Sharma** (supra), wherein the order of proclamation was set aside, as a clear 30 days time from the date of publication was not afforded before issuing absconding warrant against the accused as per the statutory provisions of Section 82 Cr.P.C.

8. In view of the above discussion, this Court finds that the requisite procedure as mandated by Section 82 Cr.P.C. was not completely followed in letter and spirit, thus, the continuation of proceedings would be an abuse of the process and deserve to be quashed, as held in **Ramesh Chandra vs. State of U.P.**, 2022 SCC OnLine SC 1634.

9. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 02.11.2016, Annexure P-7, is set aside, subject to surrender by the petitioner before the trial Court on or before 18.11.2025 and payment of costs of Rs.15,000/- to be deposited with Shri Krishna Gaushala Charitable Trust, Saketri, having its account No.02442010040010, IFSC Code:PUNB0118300, Bank – PNB, Manimajra and 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 learned Appellate 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.

10. The present petition is accordingly allowed.

11. 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.

(AMAN CHAUDHARY)
JUDGE

30.10.2025

Vishal Vardhan

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No