



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

125

CRM-M-51019-2025 (O&M)

Date of decision: 11.09.2025

Veerpal

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition filed under Section 528 of BNSS for quashing the order dated 29.04.2025 (Annexure P-1), vide which the petitioner was declared as proclaimed person in FIR No.60 dated 23.04.2018, under Section 174-A IPC, registered at Police Station Sadar Fazilka, District Fazilka.

2. Learned counsel contends that the petitioner was summoned in a complaint filed under Section 138 NI Act and consequently, he has wrongly been declared proclaimed person in the complaint, vide impugned order dated 18.11.2017, since mandatory provision of Sections 82 and 83 Cr.P.C. has not been complied with, consequent to which present FIR was registered under Section 174-A IPC. However, compromise was arrived at between the parties and therefore the complaint itself was ordered to be withdrawn vide order dated 29.02.2020, Annexure P-4. Thereafter, the petitioner continuously appeared before the trial Court in the FIR registered against him under Section 174-A IPC. But on account of non-appearance of the petitioner on subsequent dates, the proclamation proceedings have been initiated against him in the FIR as well and vide order dated 29.04.2025, he has been declared as proclaimed person. Further that he is ready and willing to join the proceedings and it is prayed that one opportunity may be



granted to him 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.

3. Notice of motion.

4. On the asking of the Court, Mr. M.S. Bajwa, DAG Punjab, accepts notice on behalf of the respondent-State and submits that the FIR was rightly registered as the petitioner was declared proclaimed person by the trial Court for having absented, however, the factum of order dated 29.02.2020.2025, whereby the complaint was withdrawn remained uncontroverted.

5. There is no necessity of impleading the complainant, in view of the order dated 29.02.2020, whereby the complaint stands withdrawn by him.

6. Heard.

7. 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.

8. 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.

9. Adverting to the facts of the present case, 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 petitioner was not wilful or deliberate and his readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioner, 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.

10. In view of the afore-mentioned judgment and the facts and circumstances of the case, the impugned order dated 29.04.2025, Annexure P-5 is set aside subject to surrender by the petitioner before the trial Court on or before 30.09.2025. 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.

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

11.09.2025
M.Kamra

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