



CRM-M-58225-2023

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

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CRM-M-58225-2023 (O & M)

Date of decision: 24.09.2025

YADWINDER SINGH @ YADWINDER SINGH DHILLON

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. G.B.S.Dhillon, Advocate, for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed for quashing of order dated 07.02.2000, whereby, the petitioner has been declared as a proclaimed offender, by the learned Additional Chief Judicial Magistrate, Ludhiana, in case FIR No.119, dated 06.06.1995, registered under Sections 420, 468 and 471 of the IPC, at Police Station Division No.5, Ludhiana.

2. Learned counsel submits that the petitioner left India for Canada on 21.02.1994 and stayed there till August 2009 and thereafter moved to USA, whereas the above-noted FIR was registered on 06.06.1995 whereafter he was declared a proclaimed offender. The petitioner was abroad at the time of registration of FIR and has never

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visited India. As such, he has no knowledge about the same. It is his submission that proper procedure as envisaged under Sections 41, 105 and 82 Cr. P.C. was not followed, inasmuch as he was residing abroad. 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 including Canada which provide for serving of documents. Thus the proclamation proceedings being in violation thereof are liable to be set aside, however, he is ready and willing to surrender before the trial Court for which he seeks only one opportunity, which may even be subject to imposition of costs or any other conditions, which this Court may deem appropriate.

3. 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.

4. Heard the learned counsel for the parties.

5. 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

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proceedings had been initiated while she was not in India, as such, the order of proclamation was set aside.

6. Similarly, in **Jaswant Singh vs. State of Punjab and another**, CRM-M-32011-2018, decided on 6.2.2020, this Court in the interim order dated 10.9.2018, noticed the submission made by the counsel for the petitioner relying on the photocopy of the passport (Annexure A-1) that the petitioner was not in India at the time of registration of FIR on 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, as he was in Italy, directed him to surrender before the trial Court, upon which interim bail was ordered to be granted to him.

7. 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.

8. Considering his absence not being willful and deliberate and no prejudice shall be caused to the complainant, rather him to join the proceedings would help in expediting the trial, which is in the interest of the parties thus, in order to meet the ends of justice and on finding judgments referred to above being applicable to the instant case, he deserves an opportunity.

9. Accordingly, the present petition is hereby allowed. The impugned order dated 07.02.2000, is set aside, subject to surrender by the petitioner before the trial Court on or before 27.10.2025 and payment of

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costs of Rs.25,000/- to be deposited with the Chandigarh Spinal Rehab, Plot No.1, Sector 28-A, Chandigarh. 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. Till then, no coercive steps be taken against the petitioner.

10. Disposed of accordingly.

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.

24.09.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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