



CRM-M-56366-2024 (O&M)

-1-

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

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CRM-M-56366-2024 (O&M)

Date of decision: 22.12.2025

Navjit Singh

....Petitioner

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Parminder Singh Rai, Advocate,
for the petitioner.

Mr. Rahul Kumar Adia, AAG, Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 BNSS, 2023, for quashing the order dated 03.09.2022, Annexure P-8, passed by learned Judicial Magistrate 1st Class, Bathinda, vide which the petitioner has been declared proclaimed offender in case FIR No.122 dated 12.10.2019, registered under Sections 420, 120-B IPC at Police Station Cantt. Bathinda, District Bathinda.

2. Learned counsel submits that the petitioner was never associated with the investigation and warrant of arrest issued against him were received back unexecuted. The learned trial Court issued a proclamation on 29.06.2022, Annexure P-6, for appearance on 01.08.2022. It is only on the basis of the fact that the petitioner remained Director of "Sarab Agro India Ltd." between November 2013 to December 2013 that he has been implicated in the present case. The copy of the record of the Registrar of Companies has been appended as Annexure P-9.



The procedure mandated under Section 82 Cr.P.C. had not been followed.

The absence of the petitioner is neither wilful nor deliberate. Challan qua him has not been presented. He is ready and willing to join the proceeding, for which he prays that his bail application be directed to be decided in a time bound manner. To buttress his submission, reliance is placed on the judgment of this Court in **Gurbir Singh Mundi vs. State of Punjab and another**, CRM-M-49283-2021, decided on 16.12.2021.

3. Learned State counsel submits that the petitioner has been rightly declared proclaimed offender, as he had absented from the proceedings.

4. Heard.

5. In the case of **Gurbir Singh Mundi** (supra), it was held that provisions of Section 82(2) Cr.P.C. 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.

6. 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.

7. Considering the fact that the petitioner was declared a proclaimed person without adherence to the mandatory requirements of Section 82 Cr.P.C. in letter and spirit; that his absence was neither wilful nor deliberate; and that he has demonstrated readiness and willingness to join the proceedings, which is incumbent upon him for their effective



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culmination, in the interest of justice and to facilitate expeditious trial leading to its logical conclusion, the impugned order dated 03.09.2022 (Annexure P-8) is hereby set aside, subject to deposit of Rs.15,000/- as costs with Punjab and Haryana High Court Employees Welfare Association, having account No.37167209613, High Court Branch, SBI, Chandigarh. The petitioner is at liberty to apply for anticipatory/regular bail in the main case before the learned trial Court, which shall be decided within a period of 3 days, in accordance with law.

8. The petition is disposed of.

9. 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.

22.12.2025
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(AMAN CHAUDHARY)
JUDGE

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