

**CRM-M-55114-2025(O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.121****Case No. : CRM-M-55114-2025(O&M)****Decided On : October 27, 2025**

Gurwinder Sharma Petitioner

vs.

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

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Present : Mr. Gurjot Singh, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Mr. Sandeep Wadhawan, Advocate
for respondent no.2 (*through Video Conferencing*).

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SUKHVINDER KAUR, J. :**CRM-42242-2025 :**

This is application under Section 528 the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking exemption from filing certified/original copies of documents Annexures P-7 to P-12, with permission to place on record true typed/photocopies of the same.

For the reasons mentioned in the application, the same is allowed and photocopies of documents Annexures P-7 to P-12 are taken on record, subject to all just exceptions.

The application stands disposed of.

CRM-42243-2025 :

This is application under Section 528 BNSS, 2023 for



placing on documents Annexures P-7 to P-12.

For the reasons mentioned in the application, the same is allowed and Annexures P-7 to P-12 are taken on record, subject to all just exceptions.

The application stands disposed of.

Main Case :

Through the present petition, filed under Section 528 BNSS, the petitioner has prayed for quashing of impugned orders dated 13.12.2024 (Annexure P-5) and 18.01.2025 (Annexure P-6), passed by learned Judicial Magistrate Ist Class, Ludhiana, whereby fresh proclamation was ordered to be issued against the petitioner and thereafter, he was declared as proclaimed person.

Brief facts of the case are that that respondent no.2 filed a complaint under Sections 420, 467, 468, 471, 379, 120-B IPC against three persons namely Abhishek Thamman, Vinod Kumar Bhandari and Gurwinder Sharma (the present petitioner) and the petitioner was summoned to face trial. During trial of the said complaint case, the petitioner could not appear before the concerned Court and vide order dated 13.12.2024, it was observed that proclamation of the petitioner did not receive back and therefore, fresh proclamation against the petitioner was ordered to be issued for 18.01.2025 and due to his further non-appearance on 18.01.2025, he was declared proclaimed person.

Learned counsel for the petitioner contended that proper service was not effected upon the petitioner. Non-bailable warrants issued to the petitioner were not received back and without recording of the



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satisfaction by the Court, as per provisions of Section 82 Cr.P.C., the proclamation was ordered to be issued. He further contended that period of 30 days was not given to the petitioner for appearance from date of effecting of the proclamation. Learned counsel has thus contended that the impugned orders dated 13.12.2024 (Annexure P-5) and 18.01.2025 (Annexure P-6) are liable to be set aside and submitted that the petitioner undertakes to appear before the concerned Court on each and every date of hearing.

Notice of motion.

Pursuant to advance notice issued to the office of Advocate General, Punjab, Mr. Navdeep Singh, DAG, Punjab is present to assist the Court. He contended that the petitioner has been rightly declared proclaimed person as he intentionally and deliberately did not appear before the learned Trial Court.

I have heard learned counsel for the parties and have also gone through the case record.

While issuing proclamation, it was incumbent upon the Trial Court to record reasons of its satisfaction/belief that petitioner had absconded or concealed himself intentionally, which is missing in the impugned order. Reliance in this context has been placed on a judgment passed in **Prit Pal Singh vs. State of Punjab and others – 2020 (1) Law Herald 837.**

As emanated from record, proclamation was issued against petitioner several times. For the first time, it was issued as per order dated 06.09.2024 (Annexure P-10), thereafter on 21.10.2024 (Annexure P-11) and then, vide order dated 05.12.2024 (Annexure P-12). As per order dated

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05.12.2024 of the learned Trial Court, proclamation of accused Gurwinder Sharma was not received back and fresh proclamation was again ordered to be issued for 13.12.2024. As per impugned order dated 18.01.2025 of learned Trial Court, it was held that proclamation had been effected against the petitioner on 13.12.2024 and statement of serving official was recorded regarding the same, while holding that mandatory period of 30 days had already been elapsed since publication of proclamation and so, the petitioner was declared proclaimed person.

As per order dated 13.12.2024, proclamation of petitioner was ordered to be issued for 18.01.2025, but on 18.01.2025, the proclamation already effected on 13.12.2024, had been taken into consideration. Moreover, perusal of order dated 18.01.2025 of learned Trial Court reveals that it has been wrongly mentioned therein that on that day, the case was fixed for awaiting appearance of the accused Gurwinder Singh, whereas as per order dated 13.12.2024, fresh proclamation had been ordered to be issued against the petitioner for 18.01.2025 and the case was not fixed for awaiting appearance of the petitioner. Thus, the period of 30 days for appearance was not given to the petitioner after effecting of proclamation.

The purpose of issuing non-bailable warrants or proclamation is to secure presence of accused persons before the Court. The petitioner in the present case had already undertaken to appear before the Court concerned on each and every date.

In view of the aforesaid facts and circumstances, it is held that the impugned orders, vide which fresh proclamation was ordered to be



issued against the petitioner and thereafter, he was declared as proclaimed person, suffers from material illegalities and is accordingly set aside

The petitioner is directed to appear before the learned Trial Court within a period of two weeks from today. On doing so, he shall be admitted to bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court.

Before parting with the judgment, it is made clear that if the petitioner fails to appear before the learned Trial Court, the interim protection granted by this Court shall be deemed to be vacated.

October 27, 2025

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(SUKHVINDER KAUR)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.