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

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CRM-M-56878-2025 (O & M)

Date of decision: 28.10.2025

SUSHIL KUMAR BISHNOI

....Petitioner

Versus

YASHPAL BERWAL AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sweta Chahal, Advocate for  
Mr. Sanjeev Sharma, Advocate,  
for the petitioner.

Mr. B.S.Saroha, DAG, Haryana.

None for respondent No.2 despite service.

**AMAN CHAUDHARY, J. (ORAL)**

1. The present petition has been filed under Section 528 of BNSS, for quashing the order dated 29.09.2025, Annexure P-6, whereby the petitioner has been declared proclaimed person in a complaint bearing NACT No.3015 dated 14.11.2019, filed under Sections 138/141 of the N.I Act.

2. Learned counsel submits that after having been summoned in the above-noted complaint, the petitioner who is serving as EHC in Haryana Police, was granted bail whereupon he continued to appear before the trial Court, but for on 07.11.2023, following which non-

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bailable warrant had been issued and ultimately, he was declared a proclaimed person on 29.09.2025, vide the impugned order, without complying with the provisions of Section 82 Cr.P.C in letter and spirit. His absence is neither wilful nor deliberate, rather on account of the fact that he had wrongly noted down the date, as also there was a miscommunication between him and his learned counsel while he was posted at different places. 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 the 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. Status report by way of affidavit of the Superintendent of Police, Hisar, filed in the Court, is taken on record.

4. Learned State counsel submits that the petitioner has rightly been declared proclaimed person for having absented.

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. Heard.

7. The very purpose of initiation of proclamation proceedings, is to compel and secure the presence of the accused to face trial and

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establish the rule of law, as also to ensure finalization of the proceedings.

8. 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 aforesaid prayer is accepted.

9. In view of the afore-mentioned judgment and the facts and circumstances of the case, the impugned order dated 29.09.2025, Annexure P-6, is set aside, subject to surrender by the petitioner before the trial Court on or before 11.11.2025 and payment of Rs.15,000/- to be deposited with Helpers Shahbad Society, having account No.01522011006813, IFSC PUNB0015210, at Punjab National Bank, Shahbad Markanda (Kurukshetra), Haryana. 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.

10. Before parting with this order, it is made abundantly clear

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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.

11. Disposed of accordingly.

28.10.2025

parveen kumar

**(AMAN CHAUDHARY)**  
**JUDGE**

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