



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

279

CRM-M-64297-2024 (O&M)

Date of Decision: 22.09.2025

SANDEEP SINGH

...Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM : HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Pallavi Babbar, Advocate for the petitioner.

Mr. Parmod Kumar, AAG, Haryana.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition filed under Section 528 BNSS for quashing/setting aside the order dated 05.08.2023, Annexure P-4, whereby the petitioner has been declared as proclaimed person, under Sections 279 and 337 IPC, registered at police Station Saha, District Ambala and Section 338 of IPC added later on in case bearing FIR No.0136 dated 09.08.2018.

2. Learned counsel submits that the petitioner was granted bail and had been regularly appearing before the trial court. However, due to the Covid-19 pandemic, the case proceedings were delayed. The petitioner had to go abroad on an emergency basis on 09.11.2021 to earn his livelihood, which is supported by his passport (Annexure P-7). Thus, he was unable to appear on 21.02.2022. During this period, he was declared a proclaimed person. It is also pointed out that the complainant has turned hostile, as shown in his statement recorded as PW-2 (Annexure P-5). Furthermore, both



parties have reached a compromise on 08.11.2024 (Annexure P-6). The statement of Constable Sandeep (Annexure P-3) also confirms that he came to know that the petitioner had gone abroad, however still no steps to serve him as per Sections 41, 105, and 82 of the Criminal Procedure Code (Cr.P.C) were taken. He, however, 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 petitioner has rightly been declared proclaimed person for having absented.

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 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 the facts and circumstances of the case; judgments referred to hereinabove; the procedure as envisaged by the Code not being followed in letter and spirit; the readiness and willingness of the petitioner to surrender and join the proceedings, which was incumbent upon him for the culmination of the same, the present petition deserves to be and is allowed, in the interest of justice, so as to facilitate expediting the trial and for taking it to its logical end.

9. Accordingly, the present petition is hereby allowed. The impugned order dated 05.08.2023, Annexure P-4, is set aside, subject to surrender by the petitioner before the trial Court on or before 14.12.2025 and payment of costs of Rs.25,000/- to be deposited with the Nanhi Jaan Trust having its Account No.134101000271, IFSC Code-ICIC0001341, Bank-ICICI Bank, Sector-34, 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.

22.09.2025
Deepak Patwal

(AMAN CHAUDHARY)
JUDGE

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